

JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
SESSION OF 1923

HELD IN THE CITY OF MONTGOMERY COMMENCING

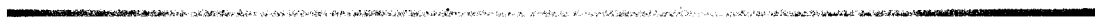
TUESDAY, JANUARY 9, 1923

VOL. II.



**WITH AN INDEX PREPARED BY THE CLERK OF THE HOUSE OF
REPRESENTATIVES.**

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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF
ALABAMA

SESSION OF 1923.

THIRTY-FIFTH DAY.

House of Representatives,
Wednesday, Aug. 22, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Dr. Frank Willis Barnett of Birmingham.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:

Mr. Speaker

Adams

Adcock

Arrington

Ashcraft (Fayette)

Ashcraft (Lauderdl.)

Bealle

Blackwell

Bowen, Lewis

Bowen, L. K.

Boykin

Burns

Burton

Byars

Calloway

Cato

Christian

Coleman

Cook

Culver

Deloney

Dickinson

Dowdle

Dunwoody

Elliott

Embry

Fanning

Ferrell

Fite

Forman

Gaines

Glenn

Glover

Goode

Goodwyn

Graves

Grove

Guy

Hall

Hampton

Hatter

Hawkins

Henley

Henson

Hodgson

Holcombe

Hornsby

Howard

Howze

Hubbard

Jeter

Jones

Kilborn

Kilpatrick

Lee

LeMaistre

Letson

Long

Love

Luck

McDaniel

McGowen

Melton

Mooneyham

Moorer

Moxley

Nichols

Norman

Odom

Parker

Patterson

Pickens

Poole

Posey

Powell

Ringer

Rives

Rountree

Rutherford

St. John

Sanders (Conecuh)

Sanders (Pike)

Sessions

Smith (Clay)

Smith (Jefferson)	Thompson (Etowah)	Varner	Ware
Smith (Lee)	Thompson (Jackson)	Verner	Mrs. Wilkins
Snodgrass	Tiller	Walker	Williams
Sollie	Tunstall	Wall	Wyatt
Stewart (Bibb)	Tyson	Walton	Young
Stewart (Calhoun)			

—105

A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said committee has carefully examined the Journal of the House for the Thirty-fourth Legislative Day, and finds same correct.

O. W. Melton,
Chairman.

The report of the committee was concurred in and adopted and the Journal for the Thirty-fourth Legislative Day was approved.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

H. 107. To repeal an Act entitled: "To provide for the construction, care, maintenance, and improvement of the public roads of Franklin county; to provide funds, regulations, penalties and officers to insure such constructions, care, maintenance, and improvement, to provide a county superintendent of roads, prescribe his qualifications, method of selection, term of office, salary, duties, powers; to prescribe in general the records to be kept by said superintendent; to provide that the court of county revenue shall have full powers over the road system; to provide ~~best supervisors, sections overseers, and other persons to carry out~~ said work on the road system of the county; to prescribe the duties of individuals and corporations in regard to the enforcement of said road law." Approved September 30, 1919.

Also:

H. 514. To create the office of first assistant clerk and ex-officio judge of the Jefferson county court of misdemeanors of Jefferson county, Alabama; to define his duties, compensation, and authority, to provide for his appointment and compensation, the equipment and location of his office, and for the repeal of all laws in conflict with the provisions of this Act.

Also:

H. 584. To amend insofar as it applies to Crenshaw county an Act entitled "An Act to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions and regulate the empanelling of grand and petit juries in all of the courts of this State," approved August 31, 1909.

Also:

H. 652. To repeal an Act entitled "An Act to provide for the more efficient construction and maintenance of public roads and bridges of Crenshaw county; to provide for the election of a county engineer, to fix his salary and term of office and to prescribe his duties; to prescribe the duties of the commissioners court under this Act; to provide revenue for the roads and bridges of the county; to levy a commutation fee of five dollars in lieu of road work; to levy a vehicle license tax for road purposes; to prescribe the duties of the tax assessor, tax collector, probate judge and sheriff under this Act and to fix their compensation; to provide for the assessment and collection of the taxes under this Act; to provide for the punishment of persons violating the provisions of this Act; to provide for the disposition of fines and forfeitures collected under this Act and for the hire of county convicts under this Act and to provide such other duties as may be necessary for the better and more efficient construction and maintenance of the public roads and bridges of the county. Approved September 25th, 1919.

Also:

H. 630. To close and abandon certain described portions of streets, avenues and alleys in the city of Sheffield and county of Colbert.

Lee Glenn,
Chairman.

The report of the committee was concurred in and adopted.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Long:

H. J. R. 119. Whereas, the late Col. Jefferson Manly Falkner established a home at Mountain Creek, Alabama, for soldiers and sailors, the said Jefferson Manly Falkner conveying to the State the lands on which the said home was established, patriotically devoting, during his declining years, a substantial part of his worldly goods, his time and his energy toward the construction and maintenance of said Soldiers' Home and the comfort of its inmates, and, whereas, for many years after its establishment

the said Soldiers' Home was known as "The Jefferson Falkner Soldiers' Home;" and, whereas, by various Acts of the Legislature relating to the maintenance and operation thereof, it has been, in recent years, designated as "The Soldiers' Home at Mountain Creek," leaving off the name of the patriotic founder of said home; therefore, be it resolved by the House of Representatives of Alabama, the Senate concurring, That the said Soldiers' Home at Mountain Creek be and it hereby is officially designated as "The Jefferson Manly Falkner Soldiers' Home, Mountain Creek, Alabama," and that all statutes and resolutions heretofore enacted or adopted by the Legislature with reference to said home be and they hereby are construed as applying to the said home, by the designation of "The Jefferson Manly Falkner Soldiers' Home, Mountain Creek, Alabama," and that in future statutes and resolutions and official communications relating to said home, it shall be so designated. Resolved further, That a certified copy of this resolution be furnished to the officers and trustees of said Home and to all interested officials of the State of Alabama, as well as to the widow and the sons of the late Col. Jefferson Manly Falkner.

And the resolution was referred to the Standing Committee on Rules.

By Rules Committee:

H. R. 120. Resolved, That H. 603 by Mr. Christian (with amendment): To authorize courts of county commissioners and boards of revenue in the several counties of this State to deposit any funds arising from any special tax levied to pay bonds, which are in excess of amounts then payable on said bonds, to deposit them in some solvent savings bank in the State of Alabama in the name of the county, or to invest the same in interest bearing securities issued by the United States government or by the State of Alabama, be made a special order for the 36th Legislative Day immediately after report of standing committees.

And the rules were suspended and the resolution adopted.

By Mr. L. K. Bowen:

H. R. 121. Resolved, That House bill 518 by Mr. L. K. Bowen, to provide for a State secondary agricultural school for the 9th Congressional District, be made a continuing, special order for the 36th Legislative Day immediately after special order for House bill 501.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Verner:

H. R. 122. Resolved, That House bill 501, by Mr. McGowen, to provide for the establishment of a State secondary agricultural school and experiment station at Cuba, in Sumter county, be

made a continuing, special order for the 36th Legislative Day, immediately after receipt of reports of committees.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Odom:

H. R. 123. Resolved, That H. 592, to provide for pensions for widows of Confederate soldiers, be made special order for the 36th Legislative Day.

And the resolution was referred to the Standing Committee on Rules.

By Rules Committee:

H. 124. Resolved, That H. 201 by Mr. Poole (with substitute), to provide for the care, use and investment of State sinking funds for the payment of State bonds or other State obligations, be made a special order for the 36th day.

And the resolution was adopted.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate standing committees as follows: By Mrs. Wilkins:

H. 743. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama authorizing and directing the Legislature, in addition to any and all taxes now authorized to be levied and collected, to levy and collect a tax of four mills upon each dollar's worth of taxable property in the State for the sole and exclusive use and benefit of the public schools, including the normal schools, and of the institutions of higher learning; to apportion the proceeds of such four mill tax; and to order and fix the date for an election upon the adoption of the proposed amendment.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed and an election upon its adoption by the qualified electors of the State is hereby ordered to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature.

"Article XXI. The Legislature of Alabama, in addition to any and all taxes now authorized by it to be levied and collected, is hereby authorized and directed to levy and collect a four mill tax upon each dollar's worth of taxable property in the State for the sole and exclusive use and benefit of the public schools, including the normal schools, and of the institutions of higher learning, which tax shall be apportioned as follows: two and one-half mills for the exclusive use and benefit of the public schools, including normal schools, two mills of which is for the public

schools and the half mill for the State's normal schools, and the remaining one and one-half mills for the exclusive use and benefit of the State's institutions of higher learning as established at the time of the ratification of this amendment. The proceeds of the two-mill levy for public schools shall be apportioned among the several public schools of the State as the Legislature of the State may from time to time hereafter provide; the one-half mill for the State's normal schools shall be apportioned among the State's several normal schools as the Legislature of the State may from time to time hereafter provide; and the one and one-half mills for the State's institutions of higher learning shall likewise be apportioned among the State's several institutions of higher learning established at the time of the ratification of this amendment, as the Legislature of the State may from time to time hereafter provide."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State, for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following, viz.: "Shall the following be adopted as article XXI of the Constitution of Alabama?"

Article XXI. The Legislature of Alabama, in addition to any and all taxes now authorized by it to be levied and collected, is hereby authorized and directed to levy and collect a four-mill tax upon each dollar's worth of taxable property in the State for the sole and exclusive use and benefit of the public schools, including the normal schools, and of the institutions of higher learning, which tax shall be apportioned as follows: two and one-half mills for the exclusive use and benefit of the public schools, including normal schools, two mills of which is for the public schools and ~~the half mill for the State's normal schools, and the remaining~~ one and one-half mills for the exclusive use and benefit of the State's institutions of higher learning as established at the time of the ratification of this amendment. The proceeds of the two-mill levy for public schools shall be apportioned among the several public schools of the State as the Legislature of the State may from time to time hereafter provide; the one-half mill for the State's normal schools shall be apportioned among the State's several normal schools as the Legislature of the State may from time to time hereafter provide; and the one and one-half mills for the State's institutions of higher learning shall likewise be

apportioned among the State's several institutions of higher learning established at the time of the ratification of this amendment, as the Legislature of the State may from time to time hereafter provide. "Yes....." "No....." The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing general elections, and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the secretary of State, and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above bill proposing an amendment to the Constitution was read one time at length and ordered to a second reading on the next Legislative Day.

By Mrs. Wilkins:

H. 744. To amend section 1 of an Act entitled "An Act to make an appropriation for the State normal schools for white teachers located at Florence, Jacksonville, Livingston, Troy, Daphne and Moundville," approved September 30, 1919.

Ways, Means and Appropriations.

By Mrs. Wilkins:

H. 745. To make an appropriation for the support and maintenance of the four white normal schools located at Jacksonville, Florence, Livingston and Troy and for the normal school for negroes located at Montgomery; and to provide a basis of apportionment to these institutions.

Ways, Means and Appropriations.

By Mrs. Wilkins:

H. 746. To make an additional appropriation to the public schools.

Ways, Means and Appropriations.

By Mrs. Wilkins:

H. 747. To make an appropriation for the further equalization of educational opportunities in the several counties of the State and to prescribe the method of its apportionment.

Ways, Means and Appropriations.

By Mrs. Wilkins:

H. 748. To amend section 1 of article 3 of an Act entitled "An Act to provide a complete educational system for the State of Alabama," approved September 26, 1919.

Education.

By Mrs. Wilkins:

H. 749. To amend section 3 of article 7 of an Act entitled "An Act to provide a complete educational system for the State of Alabama * * *," approved September 26, 1919.

Education.

By Mrs. Wilkins:

H. 750. To amend section 3 of article 24 of an Act entitled "An Act to provide a complete educational system for the State of Alabama * * *," approved September 26, 1919.

Education.

By Mrs. Wilkins:

H. 751. To amend section 1 of article 5 of an Act entitled "An Act to provide a complete educational system for the State of Alabama * * *," approved September 26, 1919.

Education.

By Mrs. Wilkins:

H. 752. To amend section 1 of article 16 of an Act entitled "An Act to provide a complete educational system for the State of Alabama * * *," approved September 26, 1919.

Education.

By Mrs. Wilkins:

H. 753. To amend section 3 of article 2, section 2 of article 3, section 24 of article 3, section 5 of article 8, article 12 by adding section 5½, section 8 of article 12, section 5 of article 15, section 3 of article 18, section 3 of article 20, section 2 of article 24, section 7 of article 24, section 10 of article 24, and section 2 of article 40 of an Act entitled "An Act to provide a complete educational system for the State of Alabama * * *," approved September 26, 1919.

Education.

By Mr. Rountree (by request):

H. 754. To further regulate and to further provide for appeals from any final action or order of the Alabama Public Service Commission.

Judiciary.

By Mr. Cato (by request):

H. 755. To fix the fees of judges of the county courts in counties having two court houses.

Revision of Laws.

By Mr. Gaines (with notice and proof) (by request):

H. 756. To alter and rearrange the boundaries of the town of Ashford, Houston county, Alabama.

Local Legislation.

Notice and proof, H. 756:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama to pass a bill which shall be substantially as follows:

To be entitled an Act:

To alter and rearrange the boundaries of the town of Ashford, Houston county, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the boundaries of the town of Ashford, Ala., shall be altered and rearranged so as to include within the corporate limits of said town of Ashford, Alabama, all of the territory lying within the boundaries hereinafter set out as follows, to-wit:

Commencing at the northwest corner of the S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of section 28, township 3, north, range 28 east, and running east along the land line to the northeast corner of S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of section 27, township 3, north, range 28 east; thence running south along the land line to the southeast corner of the N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of section 3, township 2, north, range 28, east; thence running west along the land line to the southwest corner of the N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of section 4, township 2, north, range 28, east; thence running north along the land line to the northwest corner of the S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of section 28, township 3, north, range 28, east, at the starting point.

Section 2. Be it enacted that the boundaries set out in section one, be and the same are hereby established as the corporate limits of the town of Ashford, a municipal corporation of Houston county, Alabama.

Section 3. Be it further enacted, that all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

G. E. Jackson.

State of Alabama, }
Houston County. }

Before me, W. C. Batchelor, a Notary Public in and for said county and State, personally appeared W. T. Hall, who being by me duly sworn, deposes and says: that he is editor and proprietor of the Dothan Eagle, a newspaper published at Dothan in Houston county, Alabama, and has personal knowledge of the facts stated herein and knows the same to be true; that the foregoing notice hereto attached was published in the Dothan Eagle for four consecutive weeks prior to the date hereof without cost to the State of Alabama; that said notice was published in said newspaper on the following dates, to-wit: June 22, June 29, 1923, July 6, 1923; July 13, 1923.

W. T. Hall,
Editor and Proprietor of the Dothan Eagle.

Sworn to and subscribed before me on this the 8th day of Aug., 1923.

(Seal)

W. C. Batchelor,
Notary Public.

By Mr. Fite:

H. 757. To prohibit persons, firms and corporations from becoming surety for compensation upon criminal or quasi-criminal bonds or appeal bonds in criminal or quasi-criminal cases.

Judiciary.

By Mr. Hampton:

H. 758. To further regulate the operation of ferry boats in the State of Alabama.

Revision of Laws.

By Mr. Howze:

H. 759. To provide for an addition to the Capitol building and make appropriation for the construction of same.

Ways, Means and Appropriations.

By Mr. Goodwyn:

H. 760. To appropriate the necessary sum for payment of amounts due by the State to any county for preparing and serving food for prisoners in their respective county jails from January 1st, 1921 to June 30, 1923, and which are unpaid.

Ways, Means and Appropriations.

By Mr. Goodwyn:

H. 761. To provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or any such census which may hereafter be taken. To regulate the selection and election of commissioners and their terms of office and recall from office, to fix their powers, duties and compensation, to punish improper conduct in connection with elections and petitions hereunder. To abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said commission form of government.

Judiciary.

By Mr. Norman (with notice and proof):

H. 762. To amend sections one, two and three of an Act: "To divide Montgomery county into three revenue districts; make the members of the board of revenue elective by districts, fix their term of office; prescribe their qualifications; to provide for the appointment of members of said board until the next general election; to prescribe the method of filling vacancies; provide a clerk for said board, fix his salary and prescribe his duties." Approved February 28th, 1907.

Local Legislation.

Notice and proof, H. 762:

SPECIAL NOTICE.

Notice is hereby given that the following local bill will be introduced during the present session of the Legislature of Alabama, to-wit:

A bill to be entitled an Act to amend sections one, two and three of an Act: "To divide Montgomery county into three revenue districts; make the members of the board of revenue elective by districts, fix their term of office; prescribe their qualifications; to provide for the appointment of members of said board until the next general election; to prescribe the method

of filling vacancies; provide a clerk for said board, fix his salary and prescribe his duties." Approved February 28th, 1907.

Be it enacted by the Legislature of Alabama:

That sections one, two and three of an Act: "To divide Montgomery county into three revenue districts, make the members of the board of revenue elective by districts, fix their term of office, prescribe their qualifications; to provide for the appointment of members of said board until the general election; to prescribe the method of filling vacancies; provide a clerk for said board, fix his salary and prescribe his duties," approved February 28th, 1907, be amended so as to read as follows:

Section 1. That the county of Montgomery is hereby divided into three revenue districts to be known as the northern, southeastern and southwestern. The northern district shall be composed of and include the city of Montgomery and the territory now embraced in precincts known as Dooley's (8), McGehee's (9), Pike Road (17), Old Elam (18), Kendall's (19), Walker's (20), Mt. Meigs (21), Snowdown (22), and Cloverdale (23). The southeastern district shall be composed of and include the territory now embraced in precincts known as Porter's (12), Pine Level (13) and Dublin (14). The southwestern district shall be composed of and include the territory now embraced in precincts known as Kellough's (10), Robinson Cross Roads (11), Tucker's (15) and Union Academy (16).

Section 2. That the board of revenue of Montgomery county shall consist of five members, three members thereof from the northern district, one member from the southeastern district and one member from the southwestern district, all to be elected by the qualified voters of said county.

Section 3. At the general election in 1924 and every four years thereafter, the qualified voters of said county shall elect the members of said board as herein provided. The term of office of the members shall be four years, beginning on the second Tuesday after the first Monday in November, 1924 and until their successors are elected and qualified.

State of Alabama, }

Montgomery County. }

Before me, T. A. Hardy, a Notary Public in and for said State and county, personally appeared Jos. K. Hughes, who being by me duly sworn, deposes and says that he is circulation manager for the Advertiser Company, publishers of the Montgomery Advertiser, and that the attached notice appeared in said publication on the following dates: July 28, August 4, 11, 18th, 1923.

Jos. K. Hughes.

Sworn to and subscribed before me this 18th day of August, 1923.

(Seal)

T. A. Hardy,
Notary Public.

By Mr. Dowdle (with notice and proof):

H. 763. To authorize the court of county commissioners of Pickens county, Alabama, to make appropriations to the county board of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational instruction.

Local Legislation.

Notice and proof, H. 763:

A BILL

To be entitled an Act to authorize the court of county commissioners of Pickens county, Alabama, to make appropriations to the county board of education to be used in furthering vocational education in schools approved by the State Board of education as centers for instruction in vocational instruction.

Be it enacted by the Legislature of Alabama:

Section 1. That the court of county commissioners of Pickens county, Alabama, is hereby authorized to make appropriations to the county board of education of Pickens county, to be used in providing class rooms, laboratories, and shops for use in teaching vocational subjects and for maintaining such departments after they have been established, such appropriations may only be made for use in any school or schools duly recognized by the State Board of Education as centers for vocational instruction of the Smith-Hughes type and on account of which reimbursement is being made or is to be made during the next fiscal year following the first payment of the county funds appropriated for such purpose.

Section 2. That the funds appropriated shall be paid to the treasurer of public school funds by the county treasurer on authorization of the court of county commissioners. The county treasurer of school funds shall pay out such funds on authorization of the county board of education.

PROOF OF PUBLICATION.

The State of Alabama, {
Pickens County. }

Before me, Ethel Ferguson, Notary Public in and for said county, personally appeared Daniel E. Draper, publisher of Pickens County Herald, a newspaper published in said county, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for four consecutive weeks in said paper in issues dated as follows: July 26, 1923; August 2, 1923; August 9, 1923; August 16, 1923.

Subscribed and sworn to before me, this the day of August, 1923.
Daniel E. Draper.
Ethel Ferguson,
Notary Public.

By Mr. Verner:

H. 764. To authorize the State to purchase the Eighth Volume of Mayfield's Digest of Alabama Reports.

Judiciary.

By Mr. Verner:

H. 765. To authorize and empower the governing bodies of all municipalities in the State of Alabama to open, close, vacate, widen or narrow streets, roads, alleys and other highways within their corporate limits, and to provide for ascertaining and assessing damages in such cases, and appeals therefrom.

Judiciary.

By Mr. Fite:

H. 766. To require that no stationery, books, blank books, office supplies or office material in any one order aggregating more than twenty-five (\$25.00) dollars shall be purchased by any of the county officials of the several counties of the State of Alabama unless prior to the purchase of the same a bid has been requested from all of the persons, firms and corporations doing business within the State of Alabama who have notified such county officials that they desire to bid on such stationery, books, blank books and office supplies or any part of the same, and fixing penalty for the violation of this Act and requiring that same be purchased from the lowest and best bidder.

Revision of Laws.

By Mr. Sollie:

H. 767. To amend sections 18 and 81 of an Act approved on August 13, 1907, entitled "An Act to provide for the organization, incorporation, government, and regulation of cities and towns and to define the rights, powers, duties, jurisdiction and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violation of the provisions of this Act.

Municipal Organization.

By Mr. Howze (by request):

H. 768. To regulate the issuance of trading stamps, certificates or any device or substitutes therefor, by persons, firms or corporations, to purchasers of goods, wares and merchandise and to provide an annual license therefor.

Judiciary.

By Mr. Smith of Lee:

H. 769. To amend section 5652 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Fite:

H. 770. To change the names of the Black Warrior river from its source to its confluence with the Tombigbee river, and the Tombigbee river from its confluence with the Black Warrior to its confluence with Mobile river, and the Mobile river, so that all said streams from Mobile Bay to the source of the Black Warrior river shall be known, named and recognized as Bankhead river.

Judiciary.

BILLS ON SECOND READING.

Mr. Walker, chairman of the Standing Committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 356. To provide for the appointment of bailiffs in all courts of record in all counties of the State of Alabama having a population of 200,000 or more, according to the last or any subsequent Federal census, and to fix the compensation of such bailiffs and to provide for the payment of such compensation.

H. 683. To provide that any person who may have the right or license to practice medicine in the State of Alabama, taken away from him by the State of Alabama, or by any board, commission or body created by the Legislature of the State of Alabama, on account of the commission of a crime, shall have such right or license to practice medicine in the State of Alabama, restored to him upon his being pardoned of such crime and his

rights of citizenship restored, and to provide that any person who may have heretofore had the right or license to practice medicine in the State of Alabama, and may have heretofore had such right or license taken away from him, or his license to practice medicine cancelled or withdrawn because of his conviction for crime, and who may have been pardoned of such crime, and his rights to citizenship restored, shall have the right or license to practice medicine in the State of Alabama, without application to any board, commission or body authorized to grant such right or license in the State of Alabama.

Mr. Walker, chairman of the Standing Committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report with amendment:

H. 222 (with amendment). To amend sections 1, 4 and 7 of "An Act to regulate elections: to provide for the registration of electors and the preparation and furnishing of a list of qualified electors to the election inspectors," approved October 2, 1920.

H. 690 (with amendment). To provide further for the election of the members of courts of county commissioners, boards of revenue or members of other governing body of the county.

H. 706 (with amendment). To provide that the court of county commissioners or board of revenue, or courts of like jurisdiction may accept a money compensation, to be fixed by them, not to exceed five dollars per capita per annum from those liable for road duty in lieu of the labor required by law upon public roads; to prescribe the time for the payment of same; the manner in which receipts for such money compensation shall be issued, and to make it unlawful for any person to receive such money compensation and fail within ten days after the receipt of the same to pay the same to the county.

Mr. Ashcraft of Lauderdale, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee in session had acted on the following bill and ordered ~~same returned to the House with a favorable report:~~

H. 736. To fix the compensation or salaries of tax assessors and tax collectors in counties of 200,000 inhabitants, or more, according to the last or any subsequent Federal census; and to require such officers to pay into the county treasury of such county, or counties, all fees, commissions, costs or other emoluments which are now allowed by law.

Mr. Sollie, chairman of the Standing Committee on Municipal Organization, reported that said committee in session had acted on the following bills and ordered same returned to the House

with a favorable report:

H. 672. To provide for the sale or lease of any waterworks, electric or gas plant owned by any municipal corporation in this State.

S. 272. To amend section 1074 of the Code of Alabama.

S. 295. To provide for the issuing of bonds by municipalities and to provide for the creation of a sinking fund to liquidate the bonds of municipalities and to provide for the investment of such sinking funds and to provide for the supervision of certain persons, firms, or corporations with whom such sinking funds are invested by the Superintendent of Banks of Alabama.

Mr. Luck, chairman of the Standing Committee on Local Legislation, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 701 (with amendment). To provide for the better building, maintenance and protection of the public roads and bridges and ferries of Limestone county; to provide funds, regulations and penalties to carry the provisions and purposes of this Act into effect; to provide for the appointment of a county engineer and to fix his duties.

Mr. Luck, chairman of the Standing Committee on Local Legislation, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 296. To amend an Act to establish a county court for Morgan county; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; and to provide for the transfer of certain causes now or hereafter pending in the circuit court of Morgan county, Alabama, to the Morgan county court, approved September 24, 1919.

The above and foregoing bills were severally read a second time and placed on the calendar.

Mr. Long, chairman of the Standing Committee on Commerce and Common Carriers, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 711. To regulate further tax exemptions in the State of Alabama.

The above and foregoing bill was read a second time and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. Sollie, chairman of the Standing Committee on Municipal Organization, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 663. To authorize every municipal corporation in the State of Alabama to punish violations of traffic ordinances by fine, imprisonment or at hard labor, and the detention of the vehicle used in such violation, and to provide for the safe keeping of the vehicle so detained, and to provide for appeals in such cases.

H. 664. To amend section 1258 of the 1907 Code of Alabama.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill and returns same herewith to the House:

H. 472. To regulate the business of labor and emigrant agents within the State of Alabama; to levy a license tax on the carrying on of such business; and to provide penalties for the violation of the provisions of this Act.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Tunstall, the House concurred in and adopted the Senate amendment to the bill, H. 472, said Senate amendment being as follows:

Amend House bill 472 by inserting the following:

Section 2½. Any person, firm or corporation who shall receive and print, publish or distribute, or circulate any advertisement, or the like, either for him or itself or for another, seeking or for the purpose or designed, to induce any laborer or laborers, to go without the State of Alabama, or to recruit such labor to be employed without the State of Alabama, shall be, and shall be ~~deemed an emigrant agent or labor agent within the meaning of~~ this Act; and the printing or publication or distribution or circulation of any such advertisement, or any one or more of them, shall constitute doing business within the meaning of this Act, and shall subject such person, firm or corporation to the payment of the license herein provided and to the penalties herein provided for failure to do so.

Amend House bill 472 by adding at the beginning of section 6 and prior to the words "no license" the following words, "except in case the emigrant agent or labor agent defined in this Act, be a corporation or co-partnership engaged in the publication and

distribution or circulation of a newspaper or other publication, or engaged in the transmission of telergams or messages for hire and engaged in rendering messenger service in connection therewith."

Yeas, 66; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Jones	Powell
Adams	Fite	Lee	Ringer
Adcock	Gaines	Letson	Rives
Arrington	Glenn	Long	St. John
Bealle	Glover	Love	Sessions
Boykin	Goode	Luck	Sollie
Burns	Goodwyn	McGowen	Tiller
Burton	Graves	Melton	Tunstall
Byars	Grove	Moorer	Tyson
Cato	Guy	Moxley	Varnier
Cook	Hall	Nichols	Verner
Culver	Hatter	Odom	Walker
Deloney	Henley	Parker	Wall
Dickinson	Hornsby	Pickens	Ware
Dowdle	Howard	Poole	Williams
Elliott	Howze	Pooley	Young
Embry	Jeter		

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Jones of Barbour (with notice and proof):

S. 341. For the relief of W. M. Teal and the estate of B. C. Cox.

With notice and proof thereto attached and herewith exhibited, as follows:

NOTICE

Is hereby given that a bill will be introduced in the Legislature of Alabama for the relief of the estate of B. C. Cox, deceased, formerly clerk of the circuit court of Barbour county, and of William Teal, formerly sheriff of Barbour county, for the reimbursement of said officials of certain monies paid by them into the treasury of the said county, occasioned by an omission in properly itemizing and listing certain fine and forfeiture fund script, and by reason of said omission they were required to pay to the said county the amount of the said script which, if it had been properly listed and itemized they would have received credit therefor.

The State of Alabama, }
Barbour County. }

Before me, Huey R. Lee, Judge of Probate in and for said State and county, personally appeared W. G. Gammell who, being first duly sworn, deposes and says: that he is the editor and publisher of the Clayton Record, a newspaper published at Clayton, Barbour county, Alabama, and that the

attached published notice was published in said Clayton Record, once a week, for four consecutive weeks, viz.: March 9, 16, 23 and 30, 1923.

W. L. Gammell,
Editor and Publisher, Clayton Record, Clayton, Ala.

Sworn to and subscribed before me this the 12th day of July, 1922.

Huey R. Lee,
(Seal) Judge Probate Barbour County, Alabama.

J. E. Speight,
Secretary.

Also:

By Mr. Powell (with notice and proof):

S. 370. To amend section 10 of an Act entitled "An Act to establish a board of revenue for Macon county in lieu of the court of county commissioners as now provided by law. To relieve the judge of probate of his duties as chairman of said court or board, and to provide for the election of a chairman and clerk thereof, and to fix the powers and duties and provide for the compensation of the members and clerk of said board."

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the present session of the Alabama Legislature to fix the salary of the chairman of the board of revenue of Macon county at fifty dollars per month, and to provide for the payment thereof, amending section 10 of an Act establishing the board of revenue of said county approved October 5th, 1920. Said Act as amended to read as follows:

Section 10. That the members of said board of revenue, not including the chairman, shall be entitled to five dollars per day for each day of actual service rendered in attending the meetings of said board, or for any work or labor or service rendered in looking after the roads and bridges of the county, to be paid out of the county treasury on the certificate or warrant of the chairman of the said board of revenue after the same has been allowed and ordered paid by said board. The chairman of said board shall be paid the sum of fifty dollars per month for his services as said chairman to be paid out of the county treasury after the same has been ordered paid by said board on the warrant of the chairman, as provided for the payment of the other members of the board.

John H. Drakeford,
Chairman of the Board of Revenue of Macon County.

M. E. Akin,
E. E. Blanton,
R. A. Haden,
E. L. Torbert,

Members of Board of Revenue for said Macon County.

The State of Alabama, }
Macon County. }

Before me, Daisy Buice, a Notary Public in and for said State and county, personally appeared J. A. Matthews, who being duly sworn deposes and says that he is editor and owner of the Tuskegee News, a newspaper published in said county, and that the appended notice was published for 4 con-

secutive times in said newspaper, beginning on the 19th day of July, 1923, and ending the 9th day of Aug., 1923.

Sworn to and subscribed before me this 9th day of Aug., 1923.
(Seal)

J. A. Matthews.

Daisy Buice, N. P.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Revision of Laws, S. 341.

Local Legislation, S. 370.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House:

By Mr. McNeil:

S. 318. To amend section 6366 of the Code of Alabama of 1907.

By Mr. Brooks:

S. 337. To amend section 5534 of the Code of Alabama of 1907.

By Mr. McNeil:

S. 319. To amend section 6372 of the Code of Alabama of 1907.

By Mr. Craft:

S. 203. To provide for the employment of patrolmen by the board of county commissioners, board of revenue and road commissioners, or such board by whatever name it may be known in all counties in the State of Alabama, having not less than 95,000 population and not exceeding 200,000 according to the last Federal census, or any such census which may hereafter be taken, where there have been constructed hard surfaced roads or State aid roads, to pay the salaries of said patrolmen out of the general funds of the county, to define their duties and clothe them with authority to make arrests for the violation of the motor vehicle law of Alabama.

By Mr. McNeil:

S. 317. To amend section 6376 of the Code of Alabama of 1907.

By Mr. Brower:

S. 339. To provide and prescribe the manner and method by which changes and alterations in the form of government of cities having a population of 100,000 or more according to the last

or any subsequent Federal census may be adopted, and to provide when such change or changes shall become effective.

By Mr. Martin:

S. 212. To amend section 5417 of the Code of Alabama of 1907.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Revision of Laws, S. 318, S. 337.

Judiciary, S. 319, S. 203, S. 317, S. 212.

Municipal Organization, S. 339.

MOTION TO TAKE FROM ADVERSE CALENDAR.

Mr. Norman called up his motion to take the bill:

H. 280. To abolish the court of appeals for the State of Alabama.

From the adverse calendar and place it on the regular calendar of the House for passage.

Mr. Verner moved to table the motion to take said bill, H. 280, from the adverse calendar, and the motion to table was lost.

And the motion of Mr. Norman to take the bill, H. 280, from the adverse calendar was lost.

Yeas, 43; Nays, 42.

Yeas:

Messrs:

Adcock	Glover	Letson	Rutherford
Ashcraft (Fayette)	Goode	Long	Sanders (Conecuh)
Blackwell	Guy	Love	Sanders (Pike)
Bowen, L. K.	Hawkins	Moorer	Sessions
Boykin	Henley	Moxley	Sollie
Burton	Henson	Norman	Stewart (Bibb)
Calloway	Hodgson	Parker	Thompson (Etowah)
Cook	Jeter	Poole	Thompson (Jackson)
Dowdle	Kilpatrick	Posey	Tyson
Fite	Lee	Ringer	Young
Norman	LeMaster	River	

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Nays:

Messrs:

Mr. Speaker	Goodwyn	Odom	Tiller
Ashcraft (Lauder ^d l)	Graves	Patterson	Tunstall
Bealle	Grove	Powell	Verner
Bowen, Lewis	Holcombe	Rountree	Verner
Burns	Howze	St. John	Walker
Christian	Jones	Smith (Clay)	Wall
Deloney	Kilborn	Smith (Jefferson)	Walton
Embry	Luck	Smith (Lee)	Ware
Fanning	McDaniel	Snodgrass	Mrs. Wilkins
Ferrell	Melton	Stewart (Calhoun)	Williams
Glenn	Mooneyham		

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The rules of the House require that a majority of the whole number elected to the House vote in favor of a motion to take a bill from the adverse calendar and place it on the regular calendar of the House for passage.

BILLS ON THIRD READING.

H. 629. To close and abandon a portion of Eleventh avenue in the city of Sheffield in the county of Colbert and State of Alabama.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Henson	Posey
Adams	Fanning	Howard	Ringer
Adcock	Ferrell	Howze	Rives
Arrington	Fite	Jeter	St. John
Bealle	Forman	Jones	Sessions
Boykin	Gaines	Lee	Sollie
Burns	Glenn	Long	Tiller
Burton	Glover	Love	Tunstall
Byars	Goode	Luck	Tyson
Cato	Graves	Melton	Varner
Cook	Grove	Moorer	Verner
Culver	Guy	Nichols	Wall
Deloney	Hall	Odom	Ware
Dowdle	Hatter	Parker	Young
Elliott	Henley	Poole	

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And the bill was ordered sent forthwith to the Senate without engrossment.

S. 359. To establish in precinct nine in Covington county, Ala., an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in the said precinct, to be known as the inferior court of Florala, to define the jurisdiction and powers of said court and the judge thereof.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Hornsby	Parker
Adams	Fite	Howze	Pickens
Adcock	Gaines	Jeter	Poole
Bealle	Glenn	Jones	Posey
Burns	Glover	Lee	Powell
Burton	Goode	Letson	Ringer
Byars	Graves	Long	Rives
Cato	Grove	Love	St. John
Cook	Guy	Luck	Sessions
Culver	Hall	Moorer	Smith (Clay)
Elliott	Henson	Odom	Smith (Lee)

Snodgrass
Sollie
Stewart (Bibb)
Tiller

Tunstall
Tyson
Varner
Verner

Walker
Wall
Walton
Ware

Mrs. Wilkins
Williams
Wyatt
Young

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate joint resolution, and sends same herewith to the House:

By Mr. Teasley:

S. J. R. 124. Resolved by the Senate, the House concurring, That the Governor be requested to return to the Senate, Senate bill 320, and upon its return the President of the Senate and the Speaker of the House are requested to erase their signatures therefrom in order that the bill may be further considered by the Senate.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Goodwyn, the House concurred in and adopted S. J. R. 124, which is set out in the above and foregoing message from the Senate.

REPORT OF RULES COMMITTEE.

Mr. Tunstall, acting chairman of the Standing Committee on Rules, returned to the House the following resolutions with a favorable report:

H. R. 113. Making H. 319 a special order for the 36th Legislative Day.

H. R. 114. Making H. 322 a special order for the 36th Legislative Day after reports of standing committees.

H. R. 115. Making H. 478 a special order for the 35th Legislative Day.

H. R. 116. Extending privileges of floor to messengers of the Postal and Western Union Telegraph companies.

And the resolutions Nos. 113, 114, 115 and 116 were adopted.

SPECIAL ORDER.

The House proceeded to the consideration of the special order which was the bill:

H. 312. To amend the caption, and sections one, two, three, four, five, six, seven, and eight of "An Act to establish a child welfare department for the State of Alabama, to prescribe its duties, functions, and powers, and to provide for the appointment of an executive and other officers of such department, to define their duties, to provide for their compensation, and to

provide for the maintenance and other expenses of such department, and to confer on said department all the duties, powers, and authority heretofore conferred on the State Prison Inspector insofar as his duties, powers, and authority relate to children under 16 years of age;" approved September 25, 1919; and section nine (9) of said Act as amended by an Act approved September 27, 1920.

The question was upon the adoption of the amendment reported by the Standing Committee on Ways, Means and Appropriations, said committee amendment being as follows:

Amend by adding the following to section 3: Provided, nothing in this Act shall be construed to confer on said child welfare department any duties or authority or powers in reference to the Alabama insane hospitals, or Alabama home for mental inferiors; the State Training School for Girls and the Alabama Boys Industrial School.

On motion of Mr. Tunstall, the amendment reported by the committee was laid upon the table.

Mrs. Wilkins offered the following amendment to the bill, H. 312:

Amend Sec. 9, so as to read as follows:

Section 9. That section eight (8) of said Act be and the same is hereby amended so that section eight (8) as amended shall read as follows: That in order to unify and standardize probation work in the juvenile courts of this State, the State Child Welfare Commission is hereby empowered to prescribe reasonable standards of education, training and experience which must be attained by any applicant for the position of probation officer in any of the several juvenile courts of the State. That said examination shall be furnished by the State Child Welfare Commission to the officer or officers employing probation officers in any county of the State and the said officer or officers shall require any and all applicants for said position to first stand said examination so prescribed before some officer designated by the employing agency of each county before any probation officer shall be employed.

And the amendment was adopted.

Yeas, 58; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Burns	Fite	Henson
Adams	Christian	Forman	Howze
Ashcraft (Fayette)	Cook	Goode	Jeter
Ashcraft (Lauderdl.)	Culver	Graves	Jones
Bealle	Deroney	Grove	Kilborn
Bowen, Lewis	Dickinson	Guy	Kilpatrick
Bowen, L. K.	Dowdle	Hampton	Lee
Boykin	Fanning	Hatter	LeMaistre

Letson	Pickens	Smith (Clay)	Varner
McGowen	Posey	Smith (Jefferson)	Verner
Melton	Powell	Snodgrass	Walker
Mooneyham	Rives	Stewart (Calhoun)	Ware
Moorer	St. John	Thompson (Etowah)	Mrs. Wilkins
Odom	Sanders (Conecuh)	Tunstall	Young
Patterson	Sanders (Pike)		

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And the bill:

H. 312. To amend the caption, and sections one, two, three, four, five, six, seven, and eight of "An Act to establish a child welfare department for the State of Alabama, to prescribe its duties, functions, and powers, and to provide for the appointment of an executive and other officers of such department, to define their duties, to provide for their compensation, and to provide for the maintenance and other expenses of such department, and to confer on said department all the duties, powers, and authority heretofore conferred on the State Prison Inspector insofar as his duties, powers, and authority relate to children under 16 years of age;" approved September 25, 1919; and section nine (9) of said Act as amended by an Act approved September 27, 1920.

As amended, was read a third time at length and passed.

Yeas, 73; Nays, 8.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Jeter	Sanders (Conecuh)
Adams	Dunwoody	Jones	Sessions
Adcock	Elliott	Kilborn	Smith (Jefferson)
Arrington	Embry	Kilpatrick	Smith (Lee)
Ashcraft (Fayette)	Fanning	LeMaistre	Sollie
Ashcraft (Lauder'dl)	Fite	Letson	Stewart (Calhoun)
Bealle	Forman	McDaniel	Thompson (Etowah)
Blackwell	Glenn	McGowen	Thompson (Jackson)
Bowen, Lewis	Goodwyn	Melton	Tunstall
Bowen, L. K.	Graves	Moorer	Tyson
Boykin	Grove	Odom	Varner
Burns	Guy	Patterson	Verner
Calloway	Hatter	Pickens	Walker
Cato	Henley	Posey	Walton
Christian	Henson	Powell	Ware
Cook	Hodgson	Rives	Mrs. Wilkins
Culver	Holcombe	Rountree	Williams
Deloney	Howze	St. John	Young
Dickinson			

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Nays:

Messrs:

Burton	Glover	Love	Sanders (Pike)
Coleman	Lee	Moxley	Stewart (Bibb)

—8

Mrs. Wilkins moved to reconsider the vote by which the bill was passed and then moved to table her motion to reconsider, and the motion to table prevailed.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate resolution, and sends same herewith to the House:

By Mr. Randall:

S. R. 125. Resolved by the Senate, That the House is hereby requested to return to the Senate H. 639.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The S. R. 125 was read one time and referred to the Standing Committee on Rules.

SPECIAL ORDER.

The House proceeded to the consideration of the special order which was the bill:

H. 523 (with substitute). To give effect to the amendment to section 93 of the Constitution of Alabama adopted at the November election, 1922, enabling the State "when authorized by appropriate laws, passed by the Legislature to engage in the work of internal improvement, of promoting, developing, constructing, maintaining, and operating all harbors or seaports within the State or its jurisdiction at a cost not exceeding ten million dollars;" to authorize the State of Alabama to engage in the work of internal improvement of promoting, developing, construction, maintaining, and operating all harbors or seaports within the State or its jurisdiction, including all kinds of terminal facilities at seaports, and therein and thereafter to borrow money through the issuance and sale of its bonds, or otherwise therefor, but not to exceed in the aggregate ten million dollars; to prescribe the powers and authority of the State with respect to said development; to provide and designate an agency of the State for the management and control of all of said operations; to prescribe and define the powers and duties of such agencies; to confer upon such agency the power and authority to fix reasonable charges for services rendered pursuant to this Act by the State, or under its authority, and for the use of its facilities acquired under authority of this Act; to require all persons and corporations rendering like services, or furnishing similar facilities, to make charges therefor at least as great as the reasonable charges fixed by such agency; to regulate generally the acquisition, development and operation by the State of harbor improvements; including all kinds of terminal facilities at seaports; and to repeal all laws in conflict with this Act.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Rivers and Harbors, said committee substitute being as follows:

A BILL

To be entitled an Act to give effect to the amendment to section 93 of the Constitution of Alabama adopted at the November election, 1922, enabling the State "when authorized by appropriate laws, passed by the Legislature to engage in the work of internal improvement, of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction at a cost not exceeding ten million dollars;" to authorize the State of Alabama to engage in the work of internal improvement of promoting, developing, constructing, maintaining, and operating all harbors or seaports within the State or its jurisdiction, including all kinds of terminal facilities at seaports, and therein and thereafter to borrow money through the issuance and sale of its bonds, or otherwise therefor, but not to exceed in the aggregate ten million dollars; to prescribe the powers and authority of the State in respect to said development; to provide and designate an agency of the State for the management and control of all of said operations; to prescribe and define the powers and duties of such agency; to confer upon such agency the power and authority to fix reasonable charges for services rendered pursuant to this Act by the State, or under its authority, and for the use of its facilities acquired under authority of this Act, to require all persons and corporations rendering like services, or furnishing similar facilities, to make charges therefor at least as great as the reasonable charges fixed by such agency; to regulate generally the acquisition, development and operation by the State of harbor improvements; including all kinds of terminal facilities at seaports; and to repeal all laws in conflict with this Act.

Be it enacted by the Legislature of Alabama:

Section 1. The State of Alabama is hereby authorized and empowered to engage in, through the agency hereinafter provided and designated, and such other agencies as hereinafter may be provided by law, works of internal improvement of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State, or its jurisdiction, including the acquisition, maintaining and operating at seaports of harbor water craft and terminal railroads, as well as all other kinds of terminal facilities, provided that such work or improvement and facilities shall always be and remain under the management and control of the State through the governing agency hereinafter provided and designated, or such other governing agency or agencies as hereafter may be provided by law, and pro-

vided further that the entire cost to the State of engaging in such work or development shall not exceed the sum of ten million dollars.

Section 2. There is hereby created a board or body to be known as the State Docks Commission, which shall consist of eleven members to be appointed by the Governor, one from each congressional district of the State and one from the State at large. The commissioner appointed from the State at large shall hold office for a term of six years from the date of his appointment, the commissioners appointed from the First and Tenth congressional districts shall hold office for one year from the date of their appointment, the commissioners appointed from the Second and Ninth districts shall hold office for a term of two years from the date of their appointment, the commissioners appointed from the Third and Eighth districts shall hold office for a term of three years from the date of their appointment, the commissioners appointed from the Fourth and Seventh districts shall hold office for a term of four years from the date of their appointment, and the commissioners appointed from the Fifth and Sixth districts shall hold office for a term of five years from the date of their appointment. The term of each commissioner, after the expiration of the respective first term above provided for, shall be six years, but any commissioner may be removed by the Governor at pleasure at any time and a successor appointed for the remainder of his term. The said State Docks Commission is hereby provided and designated as the agency of the State through which it shall accomplish the acquisition, maintenance and operation of all of the improvements and facilities hereby authorized and through which the same shall be managed and controlled by the State, and hereinafter such agency will be called the commission. It is further provided that no person having financial interest in any harbor facilities such as the State Docks Commission is authorized to deal with shall be eligible for appointment as a member of said commission. The members of said commission shall receive their actual expenses in attending meetings of said commission or in attending to any of the duties under this Act, and ten dollars per day each, but in no case shall any member of such commission receive per diem for more than thirty days in any one year. All salaries and other compensation provided for by this section shall be paid out of the income.

Section 3. The commission must with the approval of the Governor appoint a secretary-treasurer, a chief wharfinger and as occasion requires may appoint such number of deputy wharfingers, collectors, attorneys, clerks and other employes as may be necessary. In addition, the said commission with the approval of the Governor, shall also appoint such architects and engineers and other persons as may be required for the study

and development of the facilities of the ports and when necessary may appoint a general manager having such powers and performing such duties as the commission may see proper to confer upon him. The commission with the approval of the Governor shall have power and authority to fix the salaries and compensation for the general manager, engineers, architects and other employes and may prescribe their duties. Until the appointment and qualification of a general manager the commission may appoint the president or other commissioner to act ex-officio as general manager and shall fix his salary while so acting. Such officials and employes shall hold office for such time and on such terms and conditions as the commissioner may determine. The secretary-treasurer is required to make bond in such amount as the commission may order, payable to the State and conditioned upon the faithful discharge of his duties. He shall receive and disburse for the commission all monies which it is authorized to receive and disburse. He shall be responsible for the safe-keeping thereof and shall properly account therefor.

Section 4. The State, in engaging in the work of internal improvement, of promoting, developing, constructing, maintaining and operating harbors or seaports within the State and its jurisdiction, acting through the said commission, shall have power to acquire, purchase, install, lease, build, own, hold, maintain, equip, use, control and operate at seaports, wharves, piers, docks, quays, grain elevators, cotton compresses, warehouses and other water and rail terminals and other structures and facilities needful for the convenient use of the same in the aid of commerce including the dredging of approaches thereto, but before the said commission shall exercise such authority it shall first submit complete plans, including estimates of costs, prepared by competent engineers or architects, to the Governor who shall consult and confer with said board in reference thereto and as to dredging with the proper United States authorities. The Governor also shall be authorized and empowered, wherever he thinks it is expedient, to make other and further investigations in regard to the desirability of such proposed acquisition or erection of facilities as above mentioned. Before approving any purchase or real estate at a price of more than \$10,000.00 the Governor shall cause the same to be appraised by three disinterested and competent men of his selection, the expense of such appraisal to be paid as hereinafter provided for the payment of expenses, and no purchase thereof shall be made, except by condemnation, for a sum in excess of said appraisal. If after such full investigation as he deems necessary is made, the Governor approves such acquisition, purchase, lease or the erection of such facilities, he shall indicate it by endorsing his approval on the plan, or by letter to the commission, and thereupon the commission shall go forward

with such project. If, however, the Governor disapproves, the commission shall not have authority to begin such proposed improvement but may make other and further suggestions or amendments to the Governor from time to time. The State through the said commission shall have power to acquire, own, lease, and operate tugboats, to locate, install, build, acquire, lease, own, hold, maintain, control and operate at seaports a line or lines of terminal railroads with necessary sidings, turnouts, spurs, branches, switches, yard-tracks, bridges, trestles, and causeways and in connection therewith or appurtenant thereto shall have the further right to lease, install, build, acquire, own, maintain, control and use any and every kind or character of motive power and conveyance or appliance necessary or proper to carry passengers, goods, wares, and merchandise over, along or upon the tracks of such railroads or other conveyances. The State, acting through the said commission, shall have the right and authority with its terminal railroads to connect with or cross any other railroad upon the payment of just compensation and to receive, deliver to and transport the freight, passengers and cars of common carrier railroads as though it were an ordinary common carrier. The title to all property acquired under the authority of this Act shall vest in the State of Alabama, but the commission, with the consent and approval of the Governor may dispose of, sell, or lease to others, at reasonable prices and for reasonable compensation, any of said property, equipment and facilities provided that the proceeds of all such sales and leases shall remain as a part of the fund to be used in the improvement and development hereby authorized, including in such use the paying of obligations of the State, with the interest thereon, which the State is empowered by this Act to incur. The commission with the approval of the Governor, is authorized to exchange any property or properties acquired under the authority of this Act for other property or properties usable in carrying out the powers hereby conferred, and also to remove from lands needed for its purposes and reconstruct on other locations, buildings, terminals, railroads or other structures upon the payment of just compensation, if, in its judgment, it is necessary or expedient so to do in order to carry out any of its plans for port development approved by the Governor. It is provided, however, that said commission shall not purchase, lease or acquire by exchange any property in which any member of the commission is financially interested, either directly or indirectly, whether as a stockholder of a corporation or otherwise. The commission with the approval of the Governor, is hereby authorized to bring and prosecute, for and in the name of the State, all such suits, actions and other legal proceedings as may be proper or necessary for the enforcement of the rights of the State growing out of any of its transactions or operations authorized by this Act.

Section 5. For the acquiring of rights of way and property necessary for the construction of terminal railroads and structures, including railroad crossings, wharves, piers, docks, quays, grain elevators, cotton compresses, warehouses and other riparian and littoral terminals and structures and approaches thereto needful for the convenient use of same, the State, acting through said commission, shall have the right and power to acquire the same by purchase, by negotiation, or by condemnation, and should it elect to exercise the right of eminent domain, it may proceed in the manner provided by the general laws of the State of Alabama for procedure by any county, municipality or corporation organized under the laws of this State, or in any other manner provided by law. The said power of eminent domain shall apply, not only as to all property of private persons or corporations, but also as to property already devoted to public use, the use herein designated being superior to any other public use to which said property so desired or necessary for the purposes hereinbefore declared shall have been already dedicated.

Section 6. The operation of the improvements and facilities hereby authorized shall be conducted in the name of the State Harbor Commission. In such operation, the commission may contract such current indebtedness as is necessarily instant to the prosecution of the work in accordance with the terms of this Act. The commission may adopt rules not inconsistent with the provisions of this Act for the purpose of regulating, controlling and conducting the said operation.

Section 7. In order to provide funds for the purposes herein authorized, the Governor is hereby empowered to execute and, with the advice and concurrence of the commission, to sell the State's bonds in such amounts, not exceeding in the aggregate the sum of ten million dollars, as may be necessary for said purposes, but under and subject to the following provisions: The said bonds shall be appropriately designated as Harbor Improvement Bonds of the State and shall mature and be payable in equal annual installments at such times as may be designated by the commission, with the approval of the Governor, not more than fifty years from the date of the issuance thereof, the first installment to mature not more than ten years from the date of issuance thereof. They shall be in denominations of one thousand (\$1,000.00) dollars and multiples of one thousand dollars (\$1,000.00), the number of each denomination in each lot of bonds executed to be determined by the commission by and with the consent of the Governor. They shall be signed by the Governor, the State Auditor and the State Treasurer and attested by the Secretary of State, and the Great Seal of the State shall be affixed thereto, and said bonds shall be issued either in the cou-

pon form or registered form and they shall all bear interest at such rate, not exceeding five per cent per annum, as may be determined by the commission, with the consent and approval of the Governor, which interest shall be payable semi-annually, the interest on coupon bonds being evidenced by interest coupons attached, each of which coupons shall be authenticated by the facsimile signature of the State Treasurer imprinted thereon. Bonds bearing interest at five per cent per annum shall be sold at not less than par. Bonds bearing interest at less than five per cent per annum shall be sold at such price that the cost to the State of Alabama, including annual interest and amortization, shall not exceed five per cent per annum. The State Treasurer shall keep a complete record of all bonds issued under authority of this Act. Bonds issued in coupon form may be exchanged for fully registered bonds or bonds registered as to principal only. Coupon bonds and registered bonds shall be interchangeable. Upon the issuance of a coupon bond for a registered bond, all matured and unearned coupons on said bond shall be by the State Treasurer first clipped from said bond and cancelled. The Governor is authorized to prescribe regulations for the registration of bonds and for the interchange of registered and coupon bonds and to fix a charge of not more than fifty cents per thousand dollars for registration of bonds and not more than one dollar per thousand dollars for interchange of bonds. The commission, with the approval of the Governor and Attorney General, is authorized to prescribe the exact form in which said bonds shall be issued. The State Treasurer shall keep a record of all registered bonds, including the names and addresses of the respective holders thereof. The said registered bonds may be transferred only by an appropriate change of registration in such manner and form as may be prescribed by the commission and approved by the Governor. The interest on all registered bonds shall be paid by check or draft of the State Treasurer mailed to the holder at the address shown by the registration records. The interest on the coupon bonds and the principal of all bonds shall be made payable in gold of the present standard of weights and fineness, or its equivalent at the State Treasury or such other place as may be selected and named by the commission, with the approval of the Governor. Said bonds shall be emitted and sold only when and as funds are needed for the carrying out and accomplishing of a particular improvement or plan which has been submitted to and approved by the Governor as herein provided, or for the payment of temporary loans and interest under the provisions of this Act. Each sale of bonds hereunder shall be for only such amount as is reasonably necessary to pay interest and temporary loans as herein provided, and to cover the cost of carrying

out the plan or plans theretofore submitted to and approved by the Governor, it being intended to so provide that the improvement and development will be accomplished in such units or installments as the commission, with the approval of the Governor, shall adopt, and to further so provide that the obligations of the State hereby authorized shall be emitted only when necessary to supply the funds required for said purposes provided, however, that the act of the commission and the Governor in offering such bonds for sale shall be conclusive evidence that the proceeds are intended for use only for the work of internal improvement in promoting, developing, constructing, maintaining, and operating harbors and seaports, within the State or its jurisdiction. Each issue of said bonds shall be designated by a distinctive series number, letter or other designation. The proceeds of all of said bonds issued and sold under the provisions hereof shall be paid into the treasury and kept by the State Treasurer in a separate account and in a separate fund and paid over to the secretary-treasurer of the commission from time to time in such amounts as shall be directed by the Governor as in his judgment the purposes of this Act may require or the money so paid over to the secretary-treasurer of the commission shall be held and used only for the accomplishment of the purposes of this Act. The State, at the request of the commission approved by the Governor, may borrow from time to time such sums of money as may be immediately necessary in its general operations, or in the development and improvements hereby authorized, or for the payment of interest on outstanding bonds or other indebtedness lawfully incurred; and the commission, subject to the approval of the Governor, acting by and through its president and secretary-treasurer, is hereby empowered to execute notes or other like obligations of the State, but in its own name, for all sums so borrowed. No loans so obtained shall run for more than six months or bear interest at a greater rate than six per cent per annum, but they may be renewed from time to time as may be necessary. The proceeds of all loans so obtained shall be paid to the secretary-treasurer of the commission and be held and used only for the accomplishment of the purposes of this Act. All temporary loans so obtained shall be repaid from and out of the proceeds of the next sale of bonds hereby authorized or other funds in the hands of the commission which may be available. At no time shall the amount of outstanding obligations of the State issued hereunder, including bonds, notes or other evidences of debt, exceed in the aggregate ten million dollars. The secretary-treasurer of the commission shall deposit the proceeds of the sale of all bonds herein authorized in such bank or banks as may be designated by the commission, but the commission shall require that any

bank or banks receiving such deposits shall secure the same by a deposit of Harbor Improvement Bonds authorized by this Act or by other bonds of the State of Alabama, United States Government bonds, or such other securities as may be approved by the Governor and the commission. The commission may require interest to be paid on deposits of any monies it may have in bank.

Section 8.. The proceeds of the handling and operation of the improvements and facilities hereby authorized shall be applied and used as follows: All expenses of carrying out the purposes of this Act shall be paid from said proceeds. Not less than thirty days before each semi-annual date upon which interest matures on the bonds hereby authorized, or any installment of principal matures, the secretary-treasurer of the commission shall pay to the State Treasurer from such receipts an amount sufficient to cover such installment of interest, and therefrom the State Treasurer shall pay such interest or principal. If the receipts of the commission be insufficient to cover any expense herein provided for, or any installment of interest, the deficiency may be paid from the proceeds of any sale of bonds hereby authorized, provided that such use of said proceeds shall be limited to the payment of expenses and interest on bonds for only the first three years after the completion and putting into operation of the unit or improvement acquired with the proceeds of such bonds, or the amount necessary for the payment of such interest may be obtained from temporary loans negotiated therefor as hereinbefore authorized. It is intended hereby to so provide that all of the revenues and income arising from the operations authorized hereby and from all property acquired under the provisions hereof shall be devoted to the payment of the expenses of such operation, to the payment of interest upon the bonds issued pursuant to the provisions hereof, and to the payment of the principal of said bonds as they respectively mature, thus relieving the other revenues of the State from any burden in that behalf unless the aforesaid income be insufficient for the purposes mentioned. The commission may retain from the money coming into its hands such amount as may reasonably be acquired for operating capital, and all amounts so retained shall be deemed to be an operating expense within the meaning of this Act.

Section 9. For the payment of both the principal and interest of all bonds issued under the authority of this Act according to their tenor, the faith and credit of the State of Alabama is hereby pledged. If the funds supplied by the commission to the State Treasurer under the provisions of this Act be insufficient to fully pay at maturity any installment of interest on said bonds, or to pay at maturity the principal of any of said bonds, then the deficiency shall be paid by the State Treasurer from any funds in the State treasury not otherwise appropriated.

Section 10. In order to enable the said operation to earn funds sufficient to pay operating expenses and interest on the bonds and to create a sinking fund for the retirement of the bonds, the said commission shall have the right and power to fix from time to time reasonable rates of charges for services to all persons using said facilities and schedules of all rates so fixed shall be filed with the State Public Service Commission within seven days after the fixing thereof. All private concerns, corporations or individuals operating similar facilities at Alabama seaports must make and collect charges therefor which shall be not less than the charges so fixed by the said commission for the use of the State's facilities.

Section 11. The commission shall make to each regular session of the Legislature a report showing the indebtedness of the State created under this Act, the property acquired, the facilities owned, the results of the operation, and such other information as may be necessary to fully advise the Legislature of the status and progress of the improvement and development hereby authorized.

Section 12. The Governor and the commission, respectively, are hereby directed and required to exercise the power and authority by this Act conferred upon them, respectively, to whatever extent is necessary to the accomplishment of the improvement and development hereby authorized. Any approval or consent by the Governor required by this Act shall be sufficiently evidenced by a certificate to that effect signed by the Governor and filed in the office of the State Treasurer, and approval or consent by the commission shall be sufficiently shown by a certificate signed by the president of the commission, attested by its secretary-treasurer and filed in the office of the State Treasurer.

Section 13. No officer or agent, other than subordinate employees, shall be employed, nor any expenditure exceeding five thousand dollars incurred by the commission except with the approval of the Governor.

Section 14. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 15. ~~If any section or provision of this Act be held unconstitutional, it shall not invalidate any other section or provision of this Act.~~

Pending the further consideration of the bill and substitute, the House recessed until 3 P. M.

AFTERNOON SESSION.

The hour of three o'clock having arrived, the House reconvened.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 359. To establish in precinct nine in Covington county, Ala., an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in the said precinct, to be known as the inferior court of Florala, to define the jurisdiction and powers of said court and the judge thereof.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE GOVERNOR.

"To the House of Representatives:

I herewith return you House bill 339, entitled "An Act to repeal an Act 'entitled an Act to make township 17, range 16, in Autauga county a separate school district,' without my approval.

The notice given under section 106 of the Constitution that a bill like the one in question would be introduced at this adjourned session of the Legislature, describing the Act proposed to be repealed as an Act approved February 17, 1885, whereas the caption and body of the bill purports to repeal an Act approved February 17th, 1865. If the caption and the body thereof should be amended so as to conform to the constitutional notice of the purpose to introduce the bill it would meet my approval. The amendment can be made as follows:

Amend by striking the words and figures 1865 wherever they occur in the caption and body of the bill and insert in lieu thereof, 1885.

Respectfully submitted,
Wm. W. Brandon, Governor.

August 22, 1923."

On motion of Mr. Dickinson the House concurred in and adopted the amendment proposed by the Governor to the bill, H. 339, said Governor's amendment being set out in the above and foregoing message from the Governor.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Jones	Sessions
Adams	Ferrell	Lee	Smith (Clay)
Adcock	Forman	Letson	Smith (Lee)
Bealle	Gaines	Long	Snodgrass
Bowen, Lewis	Glover	Luck	Sollie
Bowen, L. K.	Goodwyn	McGowen	Stewart (Bibb)
Boykin	Graves	Melton	Tiller
Burns	Grove	Moorer	Tunstall
Burton	Hall	Nichols	Tyson
Byars	Hampton	Odom	Varner
Cato	Henley	Parker	Walker
Cook	Holcombe	Pickens	Wall
Culver	Hornsby	Posey	Ware
Deloney	Howard	Ringer	Mrs. Wilkins
Dowdle	Howze	Rountree	Williams
Elliott	Jeter	St. John	Young
Embry			

—65

Which was a majority of the whole number elected to the House.

And the bill:

H. 339. To repeal an Act entitled an Act to make township 17, range 16, in Autauga county a separate school district, approved February 17, 1865.

Was again read a third time and at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Elliott	Jones	Smith (Clay)
Adams	Embry	Lee	Smith (Jefferson)
Adcock	Fanning	Letson	Snodgrass
Arrington	Ferrell	Love	Sollie
Bealle	Forman	Luck	Stewart (Bibb)
Blackwell	Glenn	Melton	Thompson (Etowah)
Bowen, Lewis	Goode	Moorer	Thompson (Jackson)
Bowen, L. K.	Graves	Nichols	Tiller
Burns	Grove	Odom	Tyson
Burton	Guy	Parker	Varner
Byars	Hall	Pickens	Verner
Cato	Hatter	Posey	Wall
Coleman	Henson	Rives	Walton
Cook	Holcombe	Rutherford	Ware
Culver	Howard	Sanders (Conecuh)	Williams
Dickinson	Howze	Sanders (Pike)	Young
Dowdle			

—65

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the House of Representatives:

I am directed by the Governor to hand you herewith his message concerning House bill 405.

Respectfully,

A. L. Tyson,

Secretary to the Governor.

August 14, 1923.

MESSAGE FROM THE GOVERNOR.

To the House of Representatives:

I herewith return you House bill 405, entitled "An Act for the relief of the county officers in Walker county," etc.

The declared purpose of this bill is to revive claims against Walker county which are barred by the statute of limitations. This is in clear violation of section 95 of the Constitution which provides among other things that "the Legislature shall have no power to revive any right or remedy which may have become barred by lapse of time, or by any statute of this State."

The bill declares that certain claims have become barred by the lapse of time under and by virtue of the statutes of this State and the bill seeks to revive such rights or claims and to remove the bar of limitation which has become complete, and of course this can not be done without clear and palpable violation of the above quoted provisions of section 95 of the Constitution.

Very respectfully yours,

Wm. W. Brandon,

Governor.

August 14, 1923.

And the House by a vote of Yeas, 0, Nays, 65, declined to pass said bill H. 405 over the veto of the Governor.

Yeas, 0; Nays, 65.

Nays:

Messrs:

Mr. Speaker	Fanning	LeMaistre	Sanders (Pike)
Adcock	Fite	Letson	Sessions
Arrington	Forman	Long	Smith (Clay)
Ashcraft (Fayette)	Glenn	Luck	Smith (Lee)
Ashcraft (Lauderdale)	Glover	McGowen	Sollie
Blackwell	Goode	Mooneyham	Stewart (Calhoun)
Bowen, Lewis	Graves	Moorer	Thompson (Jackson)
Bowen, L. K.	Grove	Nichols	Tiller
Boykin	Hall	Norman	Tunstall
Burton	Hatter	Parker	Varner
Byars	Henson	Pickens	Verner
Calloway	Hornsby	Posey	Wall
Christian	Howard	Powell	Walton
Coleman	Jeter	Ringer	Mrs. Wilkins
Cook	Kilborn	Rountree	Williams
Deloney	Kilpatrick	St. John	Young
Elliott			

RESOLUTION.

The following resolution was introduced:
By Mr. Ashcraft of Lauderdale:

H. J. R. 125. Resolved by the House, the Senate concurring, That the invitation to attend the aviation demonstration at Maxwell Field, Thursday afternoon, be accepted and that when the two houses adjourn today they shall adjourn to meet at 10 o'clock Friday morning, August 24th.

On motion of Mr. Ashcraft of Lauderdale the rules were suspended and the resolution was adopted.

UNFINISHED BUSINESS.

The House proceeded to the consideration of the unfinished business, which was the bill:

H. 523. To give effect to the amendment to section 93 of the Constitution of Alabama adopted at the November election, 1922, enabling the State "when authorized by appropriate laws, passed by the Legislature to engage in the work of internal improvement, of promoting, developing, constructing, maintaining, and operating all harbors or seaports within the State or its jurisdiction at a cost not exceeding ten million dollars;" to authorize the State of Alabama to engage in the work of internal improvement of promoting, developing, construction, maintaining, and operating all harbors or seaports within the State or its jurisdiction, including all kinds of terminal facilities at seaports, and therein and thereafter to borrow money through the issuance and sale of its bonds, or otherwise therefor, but not to exceed in the aggregate ten million dollars; to prescribe the powers and authority of the State with respect to said development; to provide and designate an agency of the State for the management and control of all of said operations; to prescribe and define the powers and duties of such agencies; to confer upon such agency the power and authority to fix reasonable charges for services rendered pursuant to this Act by the State, or under its authority, and for the use of its facilities acquired under authority of this Act; to require all persons and corporations rendering like services, or furnishing similar facilities, to make charges therefor at least as great as the reasonable charges fixed by such agency; to regulate generally the acquisition, development and operation by the State of harbor improvements; including all kinds of terminal facilities at seaports; and to repeal all laws in conflict with this Act.

The question was upon the adoption of the substitute reported by the Standing Committee on Rivers and Harbors.

Mr. Long moved to indefinitely postpone the bill and substitute and the motion was lost.

Yeas, 31; Nays, 67.

Yeas:

Messrs:

Adams	Graves	Long	Ringer
Adcock	Guy	Love	Sanders (Conecuh)
Burton	Hampton	Moorer	Sanders (Pike)
Byars	Hawkins	Moxley	Sessions
Dunwoody	Henson	Parker	Stewart (Bibb)
Forman	Jeter	Poole	Thompson (Etowah)
Gaines	LeMaistre	Posey	Tiller
Glover	Letson	Powell	

—31

Nays:

Messrs:

Mr. Speaker	Elliott	Kilborn	Smith (Lee)
Ashcraft (Fayette)	Embry	Kilpatrick	Snodgrass
Ashcraft (Lauderdale)	Fanning	Lee	Sollie
Bealle	Ferrell	Luck	Stewart (Calhoun)
Blackwell	Fite	McDaniel	Thompson (Jackson)
Bowen, Lewis	Glenn	McGowen	Tunstall
Bowen, L. K.	Goode	Melton	Tyson
Boykin	Goodwyn	Mooneyham	Varner
Burns	Grove	Odom	Walker
Calloway	Hatter	Patterson	Wall
Cato	Henley	Pickens	Walton
Christian	Hodgson	Rives	Ware
Coleman	Holcombe	Rountree	Mrs. Wilkins
Cook	Howard	Rutherford	Williams
Culver	Howze	St. John	Wyatt
Dickinson	Hubbard	Smith (Clay)	Young
Dowdle	Jones	Smith (Jefferson)	

—67

Mr. Goodwyn offered the following amendment to the substitute:

To amend section 6 of the substitute for House bill 523 by changing the words "State Harbor Commission" to the words "State Docks Commission" and by changing the word "instant" to the word "incident."

And the amendment offered by Mr. Goodwyn to the substitute was adopted.

Mr. Goodwyn offered the following amendment to the substitute:

To amend section 4 of the substitute for House bill 523 by striking out the words "to be used in the improvement and development hereby authorized, including in such use the paying of obligations of the State, with the interest thereon, which the State is empowered by this Act to incur" and substitute in lieu thereof the following words, "first in the payment of the interest due on any bonded indebtedness provided for hereunder and then to the further improvement and development hereby authorized, and to paying the obligations which the State is hereby empowered by this Act to incur."

And the amendment offered by Mr. Goodwyn to the substitute was adopted.

Mr. Williams offered the following amendment to the substitute:

"Amend the substitute for H. 523 by striking out section 2 thereof and substituting therefor the following:

Section 2. There is hereby created a board or body, in lieu of the present State Harbor Commission which commission is hereby abolished, the new board to be known as the State Docks Commission, which shall consist of five members to be appointed by the Governor, one of whom the Governor shall name as chairman of such commission, no two of whom shall be residents of the same congressional district of the State, which commission, in addition to the duties herein more particularly specified, shall be vested with and shall exercise the powers, duties and authority, now vested in and exercised by the present State Harbor Commission which are not in conflict herewith. The commissioners shall be appointed for the terms of one, two, three, four and five years respectively; each commissioner's term to be designated by the Governor. The term of each commissioner, after the expiration of the term above provided for shall be five years but any commissioner may be removed by the Governor at pleasure at any time and a successor appointed for the remainder of the term. The said State Docks Commission is hereby provided and designated as the agency of the State through which it shall accomplish the acquisition, maintenance and operation of all of the improvements and facilities hereby authorized and through which the same shall be managed and controlled by the State, and hereinafter such agency will be called the commission. It is further provided that no person having financial interest in any harbor facilities such as the State Docks Commission is authorized to deal with shall be eligible for appointment as a member of said commission. The members of said commission shall receive their actual expenses in attending meetings of said commission or in attending to any of the duties under this Act.

And the amendment offered by Mr. Williams to the substitute was adopted.

Mr. Williams offered the following amendment to the substitute:

To amend substitute for House bill 523 by substituting in lieu of the present caption the following:

A bill to be entitled: An Act to give effect to the amendment to section 93 of the Constitution of Alabama adopted at the November election, 1922, enabling the State "when authorized by appropriate laws, passed by the Legislature to engage in the work of internal improvement, of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction at a cost not exceeding ten million dollars;" to authorize the State of Alabama to engage in

the work of internal improvements of promoting, developing, constructing, maintaining, and operating all harbors or seaports within the State or its jurisdiction, including all kinds of terminal facilities at seaports, and therein and thereafter to borrow money through the issuance and sale of its bonds, or otherwise therefor, but not to exceed in the aggregate ten million dollars; to prescribe the powers and authority of the State in respect to said development, to abolish the present State Harbor Commission, and to create in lieu thereof an agency of the State to be known as the State Docks Commission; to provide for the management and control of all of said operations by said agency; to prescribe and define the powers and duties of such agency; to confer upon said agency all powers, duties and authority now vested in the State Harbor Commission; to confer upon such agency the power and authority to fix reasonable charges for services rendered pursuant to this Act by the State, or under its authority, and for the use of its facilities acquired under authority of this Act, to require all persons and corporations rendering like services, or furnishing similar facilities, to make charges therefor at least as great as the reasonable charges fixed by such agency; to regulate generally the acquisition, development and operation by the State of harbor improvements; including all kinds of terminal facilities at seaports; and to repeal all laws in conflict with this Act.

And the amendment offered by Mr. Williams to the substitute was adopted.

Mr. Long offered the following amendment to the substitute: Amend by adding section 13½ to read as follows:

Sec. 13½. No indebtedness incurred by the present board shall be paid out of any funds received by the board created under this bill.

And the amendment offered by Mr. Long to the substitute was adopted.

Mr. Long offered the following amendment to the substitute: "Amend by striking out Sec. 10."

On motion of Mr. Merrill (Mr. St. John presiding) the amendment offered by Mr. Long was laid upon the table.

Mr. Long offered the following amendment to the substitute:

Amend by striking the words (Section 9. "Then the deficiency shall be paid by the State Treasurer from any funds in the State treasury not otherwise appropriated") in lines 4 and 5 on page 11 where they appear.

On motion of Mr. Merrill (Mr. St. John presiding) the amendment offered by Mr. Long was laid upon the table.

Mr. Adams offered the following amendment to the substitute:

That unless a clear title, without cost to the State of Alabama, is obtained from the owners of land and improvements in Mobile no money shall be spent in the erection of a port by the port committee.

The amendment offered by Mr. Adams was on motion of Mr. Fite laid upon the table.

Mr. Lewis Bowen offered the following amendment to the substitute:

Amend section 4 by adding thereto the following: Provided that the commission, so far as practicable to do so, shall utilize the labor of residents of this State in the construction of the works provided for in this Act.

And the amendment offered by Mr. Lewis Bowen to the substitute was adopted.

Mr. Sollie offered the following amendment to the substitute:

Amend section 3 by adding after the words "duties," where it appears in line 24 of p. 3, the following: "Their salaries not to exceed: General manager annually \$5,000.00, secretary-treasurer annually \$4,000.00, chief wharfinger annually \$4,000.00, deputy wharfingers each annually \$3,000.00, collectors each annually \$2,400.00, attorneys each annually \$4,000.00, clerks each annually \$2,000.00, architects, engineers, employees, and others compensations not to exceed wages or compensation previously classified and determined by the commission, approved by the Governor, and promulgated and published before entering into contracts of employment. All officers and employees who shall be entrusted with the custody or disbursement of money or property by virtue of their employment shall before entering upon the duties of their employment execute bond with good and sufficient surety, to be approved by the secretary-treasurer, in sums to be previously fixed by the commission with the approval of the Governor, conditioned for the faithful performance of the duties of his office or employment."

Mr. Glenn moved to table the amendment offered by Mr. Sollie, and the motion to table prevailed.

Yeas, 51; Nays, 39.

Messrs:

Yeas:

Mr. Speaker Dowdle
Ashcraft (Fayette) Elliott
Ashcraft (Lauderdl.) Embry
Bealle Fanning
Bowen, Lewis Ferrell
Bowen, L. K. Fite
Burns Glenn
Cato Goode
Christian Goodwyn
Coleman Grove

Hatter
Hodgson
Holcombe
Howard
Howze
Hubbard
Jones
Kilborn
Lee
Luck

McDaniel
McGowen
Mooneyham
Odom
Patterson
Pickens
Rountree
St. John
Smith (Clay)
Smith (Jefferson)

Smith (Lee)	Tunstall	Walton	Wyatt
Snodgrass	Varner	Mrs. Wilkins	Young
Stewart (Calhoun)	Walker	Williams	—51

Nays:

Messrs:			
Adams	Gaines	Long	Sanders (Conecuh)
Blackwell	Glover	Love	Sanders (Pike)
Boykin	Graves	Moorer	Sessions
Burton	Guy	Moxley	Sollie
Byars	Hampton	Parker	Stewart (Bibb)
Cook	Henley	Poole	Thompson (Etowah)
Culver	Henson	Posey	Tiller
Deloney	Jeter	Ringer	Tyson
Dunwoody	LeMaistre	Rives	Ware
Forman	Letson	Rutherford	—39

And the substitute reported by the Standing Committee on Rivers and Harbors, as amended, was adopted.
Yeas, 65; Nays, 29.

Yeas:

Messrs:			
Mr. Speaker	Elliott	Jones	Smith (Clay)
Adams	Embry	Kilborn	Smith (Jefferson)
Ashcraft (Fayette)	Fanning	Kilpatrick	Smith (Lee)
Ashcraft (Lauderdl')	Ferrell	Lee	Snodgrass
Bealle	Fite	Luck	Stewart (Calhoun)
Blackwell	Glenn	McDaniel	Thompson (Jackson)
Bowen, Lewis	Goode	McGowen	Tunstall
Bowen, L. K.	Goodwyn	Melton	Tyson
Boykin	Grove	Mooneyham	Varner
Burns	Hatter	Odom	Walker
Calloway	Henley	Patterson	Wall
Cato	Hodgson	Pickens	Walton
Christian	Holcombe	Ringer	Mrs. Wilkins
Coleman	Howard	Rives	Williams
Cook	Howze	Rountree	Wyatt
Culver	Hubbard	St. John	Young
Dowdle			—65

Nays:

Messrs:			
Adcock	Guy	Love	Rutherford
Burton	Hampton	Moorer	Sanders (Conecuh)
Byars	Henson	Moxley	Sanders (Pike)
Deloney	Jeter	Parker	Sessions
Dunwoody	LeMaistre	Poole	Thompson (Etowah)
Gaines	Letson	Posey	Tiller
Glover	Long	Powell	Ware
Graves			—29

And the bill:
H. 523. To give effect to the amendment to section 93 of the Constitution of Alabama adopted at the November election, 1922,

enabling the State "when authorized by appropriate laws, passed by the Legislature to engage in the work of internal improvement, of promoting, developing, constructing, maintaining, and operating all harbors or seaports within the State or its jurisdiction at a cost not exceeding ten million dollars;" to authorize the State of Alabama to engage in the work of internal improvement of promoting, developing, construction, maintaining, and operating all harbors or seaports within the State or its jurisdiction, including all kinds of terminal facilities at seaports, and therein and thereafter to borrow money through the issuance and sale of its bonds, or otherwise therefor, but not to exceed in the aggregate ten million dollars; to prescribe the powers and authority of the State with respect to said development; to provide and designate an agency of the State for the management and control of all of said operations; to prescribe and define the powers and duties of such agencies; to confer upon such agency the power and authority to fix reasonable charges for services rendered pursuant to this Act by the State, or under its authority, and for the use of its facilities acquired under authority of this Act; to require all persons and corporations rendering like services, or furnishing similar facilities, to make charges therefor at least as great as the reasonable charges fixed by such agency; to regulate generally the acquisition, development and operation by the State of harbor improvements; including all kinds of terminal facilities at seaports; and to repeal all laws in conflict with this Act.

As amended by the substitute reported by the Standing Committee on Rivers and Harbors as amended, was read a third time at length and passed.

Yeas, 63; Nays, 31.

Yeas:

Messrs:

Mr. Speaker

Ashcraft (Fayette)

Ashcraft (Lauderdl.)

~~Beane~~

Blackwell

Bowen, Lewis

Bowen, L. K.

Boykin

Burns

Calloway

Cato

Christian

Coleman

Cook

Culver

Dowdle

Elliott

Embry

Fanning

~~Farrall~~

Fite

Glenn

Goode

Goodwyn

Grove

Hatter

Henley

Hodgson

Holcombe

Howard

Howze

Hubbard

Jones

Kilborn

Kilpatrick

~~McC~~

Luck

McDaniel

McGowen

Melton

Mooneyham

Odom

Patterson

Pickens

Ringer

Rives

Rountree

St. John

Smith (Jefferson)

Smith (Lee)

Snodgrass

Stewart (Calhoun)

Thompson (Jackson)

Tunstall

Tyson

Varnier

Walker

Wall

Walton

Mrs. Wilkins

Williams

Wyatt

Young

*Nays:***Messrs:**

Adams	Glover	Long	Rutherford
Adcock	Graves	Love	Sanders (Conceh)
Burton	Guy	Moorer	Sanders (Pike)
Byars	Hampton	Moxley	Sessions
Deloney	Henson	Parker	Thompson (Etowah)
Dunwoody	Jeter	Poole	Tiller
Forman	LeMaistre	Posey	Ware
Gaines	Letson	Powell	

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Mr. Goodwyn moved to reconsider the vote by which the bill passed and then moved to table the motion to reconsider, and the motion to table prevailed.

Mr. Sollie asked that he be excused from voting. Consent was granted and Mr. Sollie did not vote.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 339. To repeal an Act entitled an Act to make township 17, range 16, in Autauga county a separate school district, approved February 17, 1885.

By a vote of a majority of the whole number elected to the Senate, said vote being yeas, 28, nays, 0.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote being yeas, 28, nays, 0.

And said bill, together with the Governor's message containing the proposed amendment, is herewith returned to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted:

H. J. R. 125. Relative to adjournment of the two houses until 10:00 o'clock Friday morning.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Middleton:

S. 371. To increase the power and authority of courts of county commissioners and courts of like jurisdiction in the acquisition by leasing, or otherwise, and in the maintenance and operation of bridges over navigable or other streams, and to authorize the expenditure of county funds for said purpose.

To authorize and empower said courts to contract for and take over by lease, or otherwise, the operation of bridges over navigable or other streams and to maintain the same as public highways; to authorize said courts to expend county funds in carrying out said contracts, in payment of lease hire, in the cost of maintenance, in paying for liability incurred by the counties to the owners or lessors of such bridges, on account of accidents or injuries that may arise from their operation; to contract with other courts of county commissioners or courts having like jurisdiction, for the joint taking over and operation of bridges; to lease, maintain, guard and keep in repair, such bridges, whether they lie in part or wholly within the limits of any incorporated municipality and to ratify and confirm all contracts heretofore made by any court of county commissioners or court of like jurisdiction, whether with each other or with private parties for the taking over, maintenance, leasing and operation of bridges and all payments heretofore made by any county of this State through its properly authorized officers on account of such contracts or operations, or on account of pre-existing contracts or operations.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate standing committee as follows:

Judiciary, S. 371.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House:

By Mr. Hutson (with notice and proof):

S. 355. To amend section 1 of an Act entitled: "An Act to establish a new charter for the town of Hartselle, in Morgan county," approved February 18th, 1899, and as amended by an Act approved August 2nd, 1907.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that there will be introduced at the next Legislature of Alabama, immediately after publication of this notice, and the Legislature will be urged to enact a bill substantially as follows:

AN ACT

To amend Sec. 1 of an Act entitled: 'An Act to establish a new charter for the town of Hartselle, in Morgan county,' approved February 18th, 1899, and as amended by an Act approved August 2nd, 1907.

Be it enacted by the Legislature of Alabama: That Sec. 1 of an Act entitled: "An Act to establish a new charter for the town of Hartselle, in Morgan county," approved February 18th, 1899, and as amended by an Act approved August 2nd, 1907, be amended so as to read as follows:

Sec. 1. Be it enacted by the Legislature of Alabama: That the town of Hartselle be and the same is hereby incorporated, and the corporate lines of said town shall be as follows: Beginning in the center of the N. E. $\frac{1}{4}$ and at the northeast corner of the S. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$, Sec. 11, Tp. 7, R. 4 west, and running west one and one-half miles to the center of the N. W. $\frac{1}{4}$ which is the northwest corner of the S. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$, Sec. 10, Tp. 7, R. 4 west, thence south one and one-half miles to the center of the S. W. $\frac{1}{4}$, which is the southwest corner of the N. E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$, Sec. 15, Tp. 7, R. 4 west, thence east one and one-half miles to the center of the S. E. $\frac{1}{4}$ which is the southeast corner of the N. W. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$, Sec. 14, Tp. 7, R. 4 west, thence north one and one-half miles to the point of beginning, and being one and one-half miles square, with the southeast corner of Sec. 10, the southwest corner of Sec. 11, the northwest corner of Sec. 14, and the northeast corner of Sec. 15, Tp. 7, R. 4 west, in Morgan county, Alabama, as the center of said square area.

Dated this 3rd day of July, 1923.

J. F. Stewart, Mayor.

State of Alabama, }
Morgan County. }

Before me, the undersigned authority, personally appeared D. K. Wiggins, who being first duly sworn, deposes and says:

That he is the publisher of the Hartselle Enterprise, which is a weekly newspaper published at Hartselle, in Morgan county, Alabama, and of general circulation in said county; that the attached notice was published in said Hartselle Enterprise in its regular issues of dates July 5th, July 12th, July 19th, July 26th, and August 2nd, 1923.

D. K. Wiggins.

Subscribed and sworn to before me, this August 6th, 1923.

(Seal) Italyne Hardwick,
Notary Public.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate standing committee as follows:

Local Legislation, S. 355.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Garth:

S. 356. To amend the title and the Act entitled "An Act to create and establish a board of county commissioners in and for Madison county, Alabama, in the place and stead of the board of revenue of Madison county now existing in said county and abolishing said board of revenue of Madison county; to divide said county of Madison into five districts, defining the boundaries thereof; defining the jurisdiction of said board of county commissioners, fixing their compensation; conferring upon said board of county commissioners all the jurisdiction, powers and authority granted by law to county commissioners, boards of revenue or other governing bodies of like name or authority in this State; authorizing the appointment of said board of county commissioners of a clerk; and a supervisor of public roads; providing for the holding of monthly meetings of said board of commissioners and providing for the repeal of all laws in conflict with this Act; providing for the appointment, nomination and election of said board of commissioners;" approved February 3rd, 1923.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given as required by section 106 of the Constitution of Alabama that a bill be introduced at the adjourned session of the Legislature of Alabama to begin July 10, 1923, to amend the caption of that certain Act approved February 3rd, 1923, and entitled: An Act to create and establish a board of county commissioners in and for Madison county, Alabama, in the place and stead of the board of revenue of Madison county, now existing in said county and abolishing said board of revenue of Madison county; to divide said county of Madison into five districts, defining the jurisdiction of said board of county commissioners, fixing their compensation, conferring upon said board of county commissioners all the jurisdiction, powers and authority granted by law to county commissioners, boards of revenue or other governing bodies of like name or the appointment of said ~~board of county commissioners of a clerk; and a supervisor of public roads;~~ providing for the holding of monthly meetings of said board of commissioners and providing for the repeal of all laws in conflict with this Act; providing for the appointment, nomination and election of said board of commissioners, and to amend the Act itself so as to authorize the board of commissioners of Madison county, Alabama, for the purpose of maintaining the public roads, bridges and ferries of the county, to impose a tax on gasoline or substitutes therefor, sold in the county, not to exceed three cents per gallon and to provide the machinery for its collection.

August 10th, 1923.

To Whom It May Concern:

This is to certify that the attached advertisement was published in the Huntsville News, a newspaper published in Madison county, Alabama, for

four consecutive weeks as follows: July 20th, 27th, August 3rd and 10th, 1923.

Virgil V. Evans,
Publisher.

Subscribed and sworn before me this the 10th day of August, 1923.

Thos. W. Jones,
Judge Probate.

(Seal)

Also:

By Mr. Brower (with notice and proof):

S. 352. To vacate, close and annul as public highways, streets or avenues of travel for the public use, that portion of Sixth avenue, north, which lies between and formerly connected Eighty-seventh street and Eighty-eighth street near the eastern city limits of the city of Birmingham, Alabama, and that portion of Eighty-eighth street beginning where said Eighty-eighth street connects with an alley between Fifth avenue road and Arola avenue, and running northward to a point where said Eighty-seventh street now connects with said Eighty-eighth street, near the eastern city limits of the city of Birmingham, Alabama, and, to further provide that the title to land comprising said portions of said streets and avenues shall revert to, and vest in the owners of the abutting property.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of the intention of the undersigned to apply for the enactment of a local law by the present session of the Legislature of Alabama, the substance, purpose and effect of which said local law will be that the dedication and use by the public of the following portions of streets and avenues in Jefferson county, Alabama, shall be denied, voided, vacated and held for naught, namely:

That part of Sixth avenue, north, lying and being between Eighty-seventh street and Eighty-eighth street, which said part of Sixth avenue, north, lies just south of a point where said Eighty-seventh street and said Eighty-eighth street unite between said Sixth avenue north and Seventh avenue, north; also, that part of Eighty-eighth street north, between the northerly line of an alley which runs in an easterly and westerly direction, and in the general direction of, and between Fifth avenue road and Arola avenue, said alley extending easterly from said Eighty-eighth street, and in a northerly direction to a point, line or place where said Eighty-seventh street joins on to, connects with, or runs into said Eighty-eighth street, said junction being between said Sixth avenue, north, and Seventh avenue, north, in Jefferson county, Alabama; it being the purpose of said local law to effectuate the junction of said Eighty-eighth street and said Eighty-seventh street by running said Eighty-seventh street directly across lot eleven (11) in block eighteen (18) F., in the East Lake Land Company's Survey in the way and manner recently effected by an agreement between the board of revenue of Jefferson county and the owners of the real property contiguous thereto, and to abandon said described portion of Sixth avenue, north, and that part of Eighty-eighth street, north, hereinbefore described, which has been dedicated to, but never used by the public;

Said streets and avenues are shown on the maps of the Wallace and Haggard Survey as recorded in Map Book eight (8), at page forty-five (45) thereof, and on the map of the East Lake Land Company's Survey as recorded in Map Book six (6) at page thirty-one (31) thereof;

It will further be provided in said proposed local law that after its passage such vacated portion, or portions of said streets and avenues shall cease to be highways, and that the land embraced and included in said vacated portions of said streets and avenues shall vest absolutely in the abutting property owners; and, that such Act or local law shall go into effect immediately upon its passage and approval as provided by law.

Charlie Barber.

State of Alabama, }
Jefferson County. }

Personally appeared before me, a Notary Public in and for the said State and county, J. C. Sheehan, who after being duly cautioned and sworn, deposeth and says as follows: That he is the advertising manager of the Southern Labor Review, a weekly newspaper published in the State of Alabama, county of Jefferson, city of Birmingham, and that a legal notice was published for four (4) consecutive weeks in the above named paper Jan. 10th, 17th, 24th and 31st, 1923, copy of which advertisement is hereto attached.

J. M. Jolly,
Notary Public.

This the 6th day of Aug., 1923.

(Seal)

Notary Public for Jefferson County, State of Alabama.
My commission expires July 19, 1927.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Local Legislation, S. 356, S. 352.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 476. To provide for the taxing and collecting of certain costs in criminal cases in the county court of Shelby county.

~~H. 497. To establish an inferior statutory court to be called the Birmingham court of common claims; to provide for the judges, clerks, and other officers, their appointment, duties, and compensation; to provide for the jurisdiction, practice and procedure of said court, to provide for the transfer of causes from said court to the circuit court; and to provide for appeals from said court to the circuit court, and the procedure in the circuit court on appeal or transfer of said causes.~~

H. 348. To vacate and annul a portion of Railroad street in the town of Red Level, Alabama.

H. 588. To amend sections 1313 and 1315 of the Code of 1907.

H. 574. To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than one hundred and fifty thousand, according to the last or any subsequent Federal census, special funds to be known as "Police-men's and Firemen's Pension and Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police and fire departments in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall hear and decide applications for pensions and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police and fire departments in said cities during their disability, and for the retirement of such members on pension, either by reason of term of office or disability; to provide for the pensioning of members of such police and fire departments after service therein; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the county in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a board of pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

J. E. Speight,
Secretary.

ADJOURNMENT.

Under a joint resolution heretofore adopted, the House adjourned until Friday, Aug. 24th, 10 o'clock A. M.

THIRTY-SIXTH DAY.

House of Representatives,
Friday, August 24th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Dowdle of the House.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Mr. Speaker	Ferrell	Kilpatrick	St. John
Adams	Fite	Lee	Sanders (Conecuh)
Adcock	Forman	LeMaistre	Sanders (Pike)
Arrington	Gaines	Letson	Sessions
Ashcraft (Fayette)	Glenn	Long	Smith (Clay)
Ashcraft (Lauderdale)	Glover	Love	Smith (Jefferson)
Blackwell	Goode	Luck	Smith (Lee)
Bowen, Lewis	Goodwyn	McDaniel	Snodgrass
Bowen, L. K.	Graves	McGowen	Sollie
Boykin	Grove	Melton	Stewart (Bibb)
Burns	Guy	Mooneyham	Stewart (Calhoun)
Burton	Hall	Moorer	Thompson (Etowah)
Byars	Hampton	Moxley	Thompson (Jackson)
Calloway	Hatter	Nichols	Tiller
Cato	Hawkins	Norman	Tunstall
Christian	Henley	Odom	Tyson
Coleman	Henson	Parker	Varner
Cook	Hodgson	Patterson	Verner
Culver	Holcombe	Pickens	Walker
Deloney	Hornshy	Poole	Wall
Dickinson	Howard	Posey	Walton
Dowdle	Howze	Powell	Ware
Dunwoody	Hubbard	Ringer	Mrs. Wilkins
Elliott	Jeter	Rives	Williams
Embry	Jones	Rountree	Wyatt
Fanning	Kilborn	Rutherford	Young

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A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Thirty-fifth Legislative Day, and finds same correct.

Oakley W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the 35th Legislative Day was approved.

PROTEST FILED.

Mr. Long filed the following protest, which was ordered spread upon the Journal:

"On August 22, 1923, when the Legislature was considering House Bill No. 523, which provides for the issuance of bonds of this State, I requested a ruling of the Speaker on Section 213 of the Constitution of the State of Alabama, calling his attention to the fact that Section 93, as amended, does not specify the issuance of bonds of the State of Alabama. At that time, the Speaker of the House, Mr. St. John in the chair acting as Speaker, ruled that it only takes a majority of the House to pass the said bill which authorizes the issuance of bonds of the State of Alabama. My contention was and is, that under Section 213 of the Constitution of the State of Alabama, it took or takes two-thirds of the membership of each House to pass such a bill. Said bill having received only 63 votes, I hereby protest that it was not passed legally according to the Constitution of the State of Alabama, and hereby request, as authorized by the Constitution of the State of Alabama, that this protest be spread upon the Journal of the House."

J. Lee Long.

We, the undersigned members of the House, concur in the above, and hereby signify the same by adding our names hereto, and ask that it be spread upon the Journal of the House.

J. N. Poole,	Y. L. Burton,
J. W. LeMaistre,	W. P. Letson,
J. T. Sanders,	W. D. Graves,
S. B. Sanders,	J. D. L. Byars,
D. T. Ware,	G. G. Adcock,
H. M. Sessions,	Jno. P. Hampton,
W. N. Gaines,	S. M. Dunwoody,
C. O. Thompson,	J. A. Farmer,
J. B. Moxley,	W. Y. Adams,
F. C. Love,	J. A. Posey,
Jno. M. Parker,	E. C. Glover,
	C. D. Rutherford.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

H. 523. To give effect to the amendment to Section 93 of the Constitution of Alabama adopted at the November election,

1922, enabling the State "when authorized by appropriate laws, passed by the Legislature to engage in the work of internal improvement, of promoting, developing, constructing, maintaining, and operating all harbors or seaports within the State or its jurisdiction at a cost not exceeding ten million dollars;" to authorize the State of Alabama to engage in the work of internal improvement of promoting, developing, construction, maintaining, and operating all harbors or seaports within the State or its jurisdiction, including all kinds of terminal facilities at seaports, and therein and thereafter to borrow money through the issuance and sale of its bonds, or otherwise therefor, but not to exceed in the aggregate ten million dollars; to prescribe the powers and authority of the State with respect to said development; abolish the present State Harbor Commission, and to create in lieu thereof an agency of the State to be known as the State Docks Commission; to provide for the management and control of all of said operations by said agency; to prescribe and define the powers and duties of such agency; to confer upon said agency all powers, duties and authority now vested in the State Harbor Commission; to confer upon such agency the power and authority to fix reasonable charges for services rendered pursuant to this act by the State, or under its authority, and for the use of its facilities acquired under authority of this Act; to require all persons and corporations rendering like services, or furnishing similar facilities, to make charges therefor at least as great as the reasonable charges fixed by such agency; to regulate generally the acquisition, development and operation by the State of harbor improvements; including all kinds of terminal facilities at seaports; and to repeal all laws in conflict with this act.

H. 312. To amend the caption, and sections one, two, three, four, five, six, seven and eight of "An Act to establish a child welfare department for the State of Alabama, to prescribe its duties, functions, and powers, and to provide for the appointment of an executive and other officers of such department, to define their duties, to provide for their compensation, and to provide for the maintenance and other expenses of such department, and to confer on said department all the duties, powers, and authority heretofore conferred on the State Prison Inspector in so far as his duties, powers and authority relate to children under sixteen years of age;" approved September 25, 1919; and section nine (9) of said act as amended by an act approved September 27, 1920.

Lee Glenn,
Chairman.

The report of the Committee was concurred in and adopted.

BILL ON SECOND READING.

H. 743. A bill to be entitled an Act to propose an amendment to the Constitution of Alabama authorizing and directing the Legislature, in addition to any and all taxes now authorized to be levied and collected, to levy and collect a tax of four mills upon each dollar's worth of taxable property in the State for the sole and exclusive use and benefit of the public schools, including the normal schools, and of the institutions of higher learning; to apportion the proceeds of such four mill tax; and to order and fix the date for an election upon the adoption of the proposed amendment.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed and an election upon its adoption by the qualified electors of the State is hereby ordered to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature.

"Article XXI. The Legislature of Alabama, in addition to any and all taxes now authorized by it to be levied and collected, is hereby authorized and directed to levy and collect a four mill tax upon each dollar's worth of taxable property in the State for the sole and exclusive use and benefit of the public schools, including the normal schools, and of the institutions of higher learning, which tax shall be apportioned as follows: two and one-half mills for the exclusive use and benefit of the public schools, including normal schools, two mills of which is for the public schools and the half mill for the State's normal schools, and the remaining one and one-half mills for the exclusive use and benefit of the State's institutions of higher learning as established at the time of the ratification of this amendment. The proceeds of the two mill levy for public schools shall be apportioned among the several public schools of the State as the Legislature of the State may from time to time hereafter provide; the one-half mill for the State's normal schools shall be apportioned among the State's several normal schools as the Legislature of the State may from time to time hereafter provide; and the one and one-half mills for the State's institutions of higher learning shall likewise be apportioned among the State's several institutions of higher learning established at the time of the ratification of this amendment, as the Legislature of the State may from time to time hereafter provide."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one news-

paper once a week in each county in the State, for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following, viz: "Shall the following be adopted as Article XXI of the Constitution of Alabama?"

Article XXI. The Legislature of Alabama, in addition to any and all taxes now authorized by it to be levied and collected, is hereby authorized and directed to levy and collect a four mill tax upon each dollar's worth of taxable property in the State for the sole and exclusive use and benefit of the public schools, including the normal schools, and of the institutions of higher learning, which tax shall be apportioned as follows: two and one-half mills for the exclusive use and benefit of the public schools, including normal schools, two mills of which is for the public schools and the half mill for the State's normal schools, and the remaining one and one-half mills for the exclusive use and benefit of the State's institutions of higher learning as established at the time of the ratification of this amendment. The proceeds of the two mill levy for public schools shall be apportioned among the several public schools of the State as the Legislature of the State may from time to time hereafter provide; the one-half mill for the State's normal schools shall be apportioned among the State's several normal schools as the Legislature of the State may from time to time hereafter provide; and the one and one-half mills for the State's institutions of higher learning shall likewise be apportioned among the State's several institutions of higher learning established at the time of the ratification of this amendment as the Legislature of the State may from time to time hereafter provide. "Yes..... No....." The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this act, the law governing general elections, and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a

majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill proposing an amendment to the Constitution was read a second time at length and placed on Calendar for third reading and passage.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 297. To amend an Act entitled "An Act to create the office of revenue constable for Mobile county and to prescribe his duties," approved February 24, 1887, as amended by Act approved February 11, 1893, and as amended by Act approved August 2nd, 1907.

Also:

H. 457. To require the county board of education of Henry county, Alabama, to make and publish an annual statement showing all receipts and disbursements of public school funds coming into their hands; to show the sum or sums or amounts expended for school purposes in each of the school districts of said county; to provide the time when such publication is to be made; and to provide penalties for the violation of this Act.

Also:

H. 463. "To amend An Act to prescribe and regulate the purchase of supplies for the several county offices, courthouse, jail, almshouse and convict camps of Jefferson county."

Also:

H. 516. To vacate, annul, abandon and relinquish all rights of the public in and to that certain highways, roadway or passageway, or part of highway, roadway or passageway, located along or near the southern boundary line of the southwest quarter of the southeast quarter of section five (5), township eighteen (18), south, range two (2), west, in Jefferson county, Alabama, described as follows: Commence at or near the southeast corner of said southwest quarter of the southeast quarter of section five (5) at the intersection of said highway, roadway or passageway with the Montevallo road and extend thence west along or near the southern boundary line of said southwest quarter of the southeast quarter of section five (5) to the western

boundary line, or to an extension thereof to the south, of said southwest quarter of the southeast quarter of section five (5).

Also:

H. 488. To establish an inferior court in Precinct 36 in Dallas County, Alabama, in lieu of all justices of the peace, notaries public with powers of justices of peace, in said precinct, and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of judge thereof, to provide for the execution of the process of said court and the operation thereof, to regulate the procedure in said court, and the appeals therefrom to provide for the appointment of the first judge and the election of succeeding judges, to fix the qualifications and compensation of said judge and the mode of his election, to provide a fund out of which the salary of said judge and the expenses of said court shall be paid, to provide for the appointment of an acting judge in the event the regular judge is unable to serve, to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct, to provide for transfer of said court from the justice of the peace courts in said precinct of causes within the jurisdiction of such inferior court when established, to provide that the judge of said court may practice law, to provide for the payment of the sheriff's fees, court established.

Also:

H. 639. To provide for the establishment, conduct, development, equipment, improvement, and maintenance by cities having a population of one hundred thousand or more according to the last or any subsequent Federal census, of parks, park areas, park boulevards, playgrounds, parks and playground systems, recreation centers, and other recreational facilities and activities; to define the powers and duties of such cities and their governing bodies in connection with all such matters; and to create a park and recreation board in all such cities, provide for the selection, terms of office, removal from office, qualifications and duties of the members thereof, and to define the powers of such board.

Also:

H. 472. To regulate the business of labor and emigrant agents within the State of Alabama; to levy a license tax on the carrying on of such business; and to provide penalties for the violation of the provisions of this Act.

Also:

H. 339. To repeal an act "Entitled an act, to make Township 17, Range 16 in Autauga county, a separate school district, approved February 17th, 1885."

Also:

H. 26. To vacate and annul the dedication to public use as a street or highway of the following described property in the city of Birmingham, in Jefferson county, Alabama: Beginning at a point on the southwest (SW) line of Thornton street where the center of Motley Avenue if extended southwestwardly would intersect same, thence southeasterly along the line of Thornton street a distance of twenty-five and twenty-two one hundredths (25.22) feet to a point, thence through an angle of ninety-seven (97) degrees thirty-five (35) minutes to the right and continuing on this course southwesterly parallel to the center line of Motley avenue extended a distance of two hundred and twenty-three and fifty-three one hundredths (223.53) feet to Second avenue; thence to the right through an angle of eighty-two (82) degrees eight (8) minutes and run on this course nineteen and seventy-three one hundredths (19.73) feet to a point on the north line of Second avenue, thence at the left through an angle of fifty-five (55) degrees four (4) minutes and run on this course sixty-five and ninety-eight one hundredths (65.98) feet to a point on the north line of Second avenue, thence to the right through an angle of one hundred and fifty-two (152) degrees fifty-six (56) minutes and run on this course parallel to the center line of Motley avenue a distance of two hundred and seventy-eight and forty-eight one hundredths (278.48) feet to the southwest (SW) line of Thornton street, thence to the right through an angle of thirty-two (32) degrees twenty-five (25) minutes and run on this course along the southwest (SW) line of Thornton street twenty-five and twenty-two one hundredths (25.22) feet to the point of beginning, according to the survey of Montgomery and Parke's first addition to Woodlawn, and to discontinue and abolish such street or highway.

Also:

H. 399. For the relief of Ed Smart.

Also:

H. 504. To alter and fix the boundaries of the city of Selma, a municipal corporation in Dallas county, Alabama.

Also:

H. 350. To amend Sec. 1 of an act approved Feb. 18, 1891, entitled "An act to amend an act approved Feb. 17, 1885, entitled an act to amend sections 1 and 2 of an act to define the corporate limits of the City of Wetumpka, approved Feb. 23, 1883."

Also:

H. 302. To alter and rearrange the boundary lines of the city of Sylacauga, Alabama, and to describe the area included in such boundary lines and within such city.

Also:

H. 25. To vacate and annul the dedication to public use as a street or highway of that certain street in the city of Birmingham, in Jefferson county, Alabama, which was formerly known as the Jonesville road extending from the west side of Sixteenth street north to the east side of Milton avenue for a distance of two thousand two hundred and fifty-seven and nine-tenths (2,257.9) feet and to discontinue and abolish such street, and to extinguish the right of the public to use the same.

Also:

H. 540. To authorize boards of revenue of counties in Alabama of more than 200,000 population by the last Federal census to make appropriations to county boards of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational training.

Also:

H. 502. For the relief of W. H. Long, ex-sheriff of Washington county, Alabama, authorizing the payment to him of fees out of the fine and forfeiture fund of Washington county, Alabama, that have been barred by reason that the claims were not filed within twelve months.

Also:

H. 305. To repeal an Act to better provide for the working of the public roads in the counties of Baldwin, Escambia and Monroe, approved February 9, 1901, insofar as the same applies to Baldwin county.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the following House resolution and returns same herewith to the House:

H. J. R. 90. Relative to creating a Joint Committee to represent the Legislature in matters arising concerning the prepara-

tion and placing of statue of General Joseph Wheeler in the Hall of Fame at Washington.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Foster:

S. J. R. 126. Resolved by the Senate, the House concurring, that the Legislature recess today at 1 o'clock, and reconvene on Monday, August 27th, at 2 o'clock P. M.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate Joint Resolution No. 112 was referred to the Standing Committee on Rules.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Long:

H. J. R. 126. Be it resolved by the House, the Senate concurring, that when the two Houses adjourn today that they stand adjourned to meet on Monday, August 27th, at 2 o'clock P. M.

On motion of Mr. Long the rules were suspended for the immediate consideration of the resolution. And the resolution was lost.

By Mr. Fite:

H. J. R. 127. Resolved by the House, the Senate concurring, that when the two Houses adjourn today they adjourn to meet again on Tuesday, August 28th, at 2 o'clock P. M.

On motion of Mr. Fite the rules were suspended and the resolution was adopted.

By Mr. Holcombe:

H. R. 128. Resolved that H. 648, proposing an amendment to Section 194½ of the Constitution of Alabama, be made a special, paramount and continuing order for the 37th Legislative Day immediately after reports of Standing Committees.

And the rules were suspended and the resolution was adopted.

By Mr. Smith of Clay:

H. R. 129. Resolved that House Bill No. 288, To repeal an act to prescribe a limitation for the bringing of suits for the recovery of personal property or the value thereof, etc., be made a

special, paramount and continuing order for the 38th Legislative Day.

And the resolution was referred to the Committee on Rules.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Dickinson:

H. 771. To amend Section 3 of an act, entitled, An Act to provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty cents on each one hundred dollars worth of taxable property in such county, to authorize any school district, in any county that may be levying special county taxes for school purposes of not less than thirty cents on each one hundred dollars worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty cents on each one hundred dollars worth of taxable property in such school district; and to authorize boards of education to issue interest bearing warrants to erect, repair and equip school buildings and to otherwise improve school facilities.—Acts of Ala., 1919, P. 58, approved February 13th, 1919.

Education.

By Mr. Stewart of Bibb:

H. 772. To amend sections 1 and 4 of an Act entitled "An Act to regulate elections; to provide for the registration of electors, and the preparation and furnishing of a list of the qualified electors to the election inspectors," approved Oct. 2, 1920.

Privileges and Elections.

By Mr. Walton (By request):

H. 773. To provide for the establishment of county boards of child welfare; to define the duties, powers and functions of such boards; to provide for the employment of county superintendents of child welfare and assistants, to prescribe their duties, powers and functions, and to provide for their compensation and expenses; to provide for an office for the county board and superintendent of child welfare; to provide for the co-operation of county boards of child welfare with city boards or departments of public or child welfare; to authorize the governing body of any city, town or municipality in the county to make appropriation to aid in the payment of the salary and expenses of the county superintendent of child welfare and his assistants.

Public Health.

By Mr. Moxley (With notice and proof) :

H. 774. To further provide for improvement and maintenance of the public roads and bridges of Crenshaw County, Alabama, by authorizing the Court of County Commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service, and levy and collect a special privilege license tax; to provide the manner in which the funds so collected shall be used in the improvement and maintenance of the public roads and bridges of said county and for other purposes as set out in this Act and to provide for penalty for violating of and failure to comply with the provisions created under authority of this Act.

Local Legislation.

Notice and proof H. 774:

NOTICE.

To those it may concern:

Notice is hereby given that a bill will be introduced at the session of the Legislature of Alabama, which convenes in July 1923, the substance of which bill will be to authorize the Court of County Commissioners of Crenshaw County, to fix and provide payment of a per capita road and bridge tax in lieu of road and bridge service, not to exceed Ten (\$10.00) dollars per annum, to levy and collect a special privilege license tax on vehicles used upon the public roads of said county and providing that twenty-five per centum of the taxes raised by this act shall be reserved by the court of county commissioners of Crenshaw County and set aside by the County treasurer or the custodians of such funds for the purpose of payment of any debts which may now exist or which may be created against said road and bridge fund and for no other purpose, and the remainder of such fund shall be applied to the roads and bridges of the precinct from which said fund was collected so far as the same is practicable and with the purpose in view that all roads and bridges of the county may be improved and maintained to as uniform a standard and condition as practicable; and to provide penalty for the violation of and failure to comply with the provisions created under the authority of this Act.

Very respectfully yours,

J. B. Moxley.

AFFIDAVIT OF PUBLICATION.

I, C. J. Kettler, publisher of the Crenshaw County News, a newspaper published weekly at Luverne, Crenshaw County, Alabama, do solemnly swear that a copy of the above notice, as per clipping attached, was published once a week in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated August 2nd, 1923, and ending with the issue dated August 23rd, 1923.

C. J. Kettler.

Subscribed and sworn to before me this 23rd day of August, 1923.

Wilkie Pope,
Notary Public.

By Mr. Deloney (By request) :

H. 775. To require all insurance companies, associations or societies heretofore chartered by special act of the General Assembly of Alabama, or by special act of the Legislature of Ala-

bama, to meet the requirements in all respects now provided by law for insurance companies, societies or associations.

Banking and Insurance.

By Mr. St. John:

H. 776. To provide further for appeals from or for revision of any orders, judgments or decrees of the circuit court to the Supreme Court or Court of Appeals in cases awarding damages or compensation to employees under the Workmen's Compensation Act or Acts of this State.

Judiciary.

By Mr. St. John:

H. 777. To amend an Act entitled "An Act to amend Sections 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6460, 6461, 6462, 6463, 6464, 6465, of the Code of Alabama, 1907," approved September 16, 1915.

Judiciary.

By Mrs. Wilkins:

H. 778. To make an appropriation to the State Board of Education for executive, supervisory and clerical purposes in the administration of the State Department of Education.

Ways, Means and Appropriations.

By Mrs. Wilkins:

H. 779. To make an appropriation for the maintenance and support of the ten State Secondary Agricultural Schools.

Ways, Means and Appropriations.

By Mrs. Wilkins:

H. 780. To validate all county and district school tax levies heretofore made in Alabama.

Ways, Means and Appropriations.

By Mrs. Wilkins:

H. 781. To require all tax collectors in counties where the salaries of county tax collectors and county tax assessors are fixed by law to pay to the county treasurer of school funds all commissions which are now allowed by law for assessing and collecting school taxes, and to repeal all laws and parts of laws in conflict with this act.

Education.

By Mrs. Wilkins:

H. 782. To provide further for appropriations to the State Board of Health for the purpose of promoting further the Public Health of the State and the several counties thereof.

Public Health.

By Mr. Hawkins:

H. 783. To require county and city boards of education to provide sanitary drinking fountains at all schools under their control.

Public Health.

By Mr. Glover:

H. 784. To amend section 5633 of the Code of Alabama of 1907.

Judiciary.

By Mr. Glover:

H. 785. To authorize and empower the Courts of County Commissioners, Boards of Revenue, or other like governing bodies, in the several Counties of the State of Alabama, to prepare or cause to be prepared complete Tract Books, showing a complete record of all entries of lands located and situated in each of the said several Counties, and to prepare or cause to be prepared complete field notes; and to provide for the payment of same.

Revision of Laws.

By Mr. Snodgrass:

H. 786. To amend Section 15 of an Act, entitled "An Act to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions and regulate the empanelling of grand and petit jurors in all the courts of this State." Said Act is known as the Jury law and was approved August 31, 1909.

Judiciary.

By Mr. Fite:

H. 787. To further regulate Bail in Criminal or quasi-criminal cases.

Judiciary.

By Mr. Fite:

H. 788. To amend section 16 of an act, entitled "An Act to provide for the organization, incorporation, government, and regulation of cities and towns, and to define the rights, powers, jurisdiction, and authority of such cities and towns, and of the officers thereof, and to prescribe penalties for violations of the provisions of this act," known as the Municipal Code Bill.

Municipal Organization.

By Mr. Howze:

H. 789. To amend section 5970 of the Code of Alabama, as amended by an Act of the Legislature of Alabama approved April 20, 1911.

Judiciary.

By Mr. L. K. Bowen (By request):

H. 790. To create a Board of Chiropractic Examiners and to regulate the practice of Chiropractic and to prohibit the practice of any other mode or system under the name of Chiropractic.

Public Health.

By Mr. L. K. Bowen :

H. 791. To repeal an Act approved August 23, 1919, and entitled "An Act prescribing the liability of an employer to make compensation by way of damages for injuries received by an employee occasioned by an accident arising out of and in the course of his employment and providing for the enforcement of same, modifying common law and statutory remedies, in such cases; establishing an alternative elective schedule of compensation, regulating procedure for the determination of liability and compensation thereunder in certain cases, and prescribing penalties for the violation thereof; and providing for attorneys' fees and for medical and surgical services."

Judiciary.

By Mr. Adams (with notice and proof) :

H. 792. To prevent live stock from running at large in Blount County, Alabama.

Local Legislation.

Notice and proof H. 792 :

NOTICE OF PROPOSED LEGISLATION.

Notice is hereby given that a bill will be introduced in the Legislature, substantially as follows:

A bill to be entitled an Act, to prohibit live stock from running at large in Blount County, Alabama.

Be it enacted by the Legislature of Alabama, that after the passage of this act, it shall be unlawful for any person, firm or corporation to knowingly permit his or its live stock or any live stock in his or its possession or under his or its control to run at large in Blount County, Alabama.

Be it further enacted, that any person, firm or corporation who knowingly permits his or its live stock or any live stock in his or its possession or under his or its control to run at large in Blount County, Alabama, shall be guilty of a misdemeanor, and upon conviction shall be fined not over One Hundred Dollars and may also be imprisoned in the County Jail of said county or sentenced to hard labor for said county for a period of not more than six months, one or both at the discretion of the court or jury trying the case.

Be it further enacted by the Legislature of Alabama that all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

The State of Alabama, }
Blount County. }

Before me, F. A. Hearn, a Notary Public in and for said State and County, personally appeared F. G. Stephens, who being by me duly sworn deposes and says that he is the editor and publisher of the Southern Democrat, a newspaper published in Blount County, Alabama, and that the above and foregoing advertisement did appear in said newspaper for four consecutive weeks, namely, in the issues of August 2—August 23, 1923.

F. G. Stephens.

Sworn to and subscribed before me this 13th day of February, 1923.

F. A. Hearn,
Notary Public.

By Mr. Adams (with notice and proof) :

H. 793. To provide for the election of a county superintendent of education for Blount County, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the term and compensation of such officer.

Local Legislation.

Notice and proof H. 793:

NOTICE OF INTENTION TO APPLY TO THE LEGISLATURE FOR
THE PASSAGE OF A LOCAL LAW.

The substance of such law being:

1. To provide for the election of a County Superintendent of Education for Blount county, Alabama, by the qualified electors thereof at the general election for the year 1924, and every four years thereafter.

2. To fix the term of office for four years, beginning the first Monday in July next succeeding the election and to hold until a successor is elected and qualified.

3. To prescribe the qualifications of the Superintendent of Education of Blount County, who must be a qualified elector of the county, a graduate of a standard normal school or other institution of learning of equal dignity and must hold a first grade teacher's certificate and had at least three years successful teaching experience.

4. To require such Superintendent to take an official oath and give an official bond, to provide for the fixing of such bond and the recordation and approval thereof.

5. To require the Superintendent of Education to devote his entire time to public schools and prescribe his compensation and duties.

This 2nd day of January, 1923.

W. Y. Adams.

The State of Alabama, }
Blount County. }

Personally appeared before the undersigned authority, F. G. Stephens, who, being duly sworn, deposes and says that he is the publisher of the Southern Democrat, a newspaper published in Oneonta, Ala., and that the attached notice of intention to introduce a bill in the Legislature providing for the election of a County Superintendent of Education for Blount County, was published for four consecutive weeks in said newspaper, commencing on the 2nd day of August, 1923, and ending on the 23rd day of August, 1923.

F. G. Stephens,
Publisher.

Sworn to and subscribed before me this 23rd day of August, 1923.

F. A. Hearn,
Register.

By Mr. Adams (with notice and proof) :

H. 794. To amend Sec. 12 of the Blount County Road Law, which is an Act entitled "An Act to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Blount County, Alabama; to define the duties and powers of the Court of County Commissioners with regard to same, and to fix penalties for the violation of the rules, regulations and laws of the

Court of County Commissioners," and approved February 18, 1919.

Local Legislation.

Notice and proof H. 794:

NOTICE OF PROPOSED LEGISLATION.

Notice is hereby given that a bill will be introduced in the Legislature to amend Section 12 of the Blount County Road Law to read as follows:

Section 12. The Court of County Commissioners may accept a money compensation, to be fixed by them, not to be less than six dollars per capita nor more than twelve dollars per capita per annum. That all persons in Blount County subject to road duty shall be required to work on the public roads of the county not less than eight nor more than ten days per annum or pay in lieu thereof as above stated and set out. The court of county commissioners of Blount County, Alabama, shall have power to provide for the time of payment of money paid in lieu of work due on the public roads of said county. Said money to be expended under the supervision of the commissioners court and the road superintendent.

The State of Alabama, }
Blount County. }

Personally appeared before the undersigned authority, F. G. Stephens, who, being duly sworn, deposes and says that he is the publisher of the Southern Democrat, a newspaper published in Oneonta, Alabama, and that the attached notice of intention to introduce a bill in the Legislature to amend the Blount County Road Law was published for four consecutive weeks in said newspaper, commencing on the 2nd day of August, 1923, and ending on the 23rd day of August, 1923.

F. G. Stephens,
Publisher.

Sworn to and subscribed before me this 23rd day of August, 1923.

F. A. Hearn,
Register.

By Mr. Adams (with notice and proof):

H. 795: To provide for the election of a County Treasurer for Blount County, Alabama, to fix the time of election, to name the maximum salary per year, to fix term of office.

Local Legislation.

With notice and proof H. 795:

NOTICE

To whom it may concern:

The State of Alabama, }
Blount County. }

Notice is hereby given that a bill will be introduced at the present sitting of the Legislature of the State of Alabama, when it reconvenes in July, 1923, providing for the election of a County Treasurer in and for the County of Blount in said State at the regular or general election to be held in said county in the year 1924, the said treasurer to be elected for a term of four years, and until his successor is elected and qualified.

That the salary of the said treasurer shall not exceed the sum of \$800.00 per annum, and shall be fixed by the Court of County Commis-

sioners of said county, and approved by the Judge of Probate of said county, and that he shall give bond in and to a sum and conditioned as now required by law.

Done at Oneonta, Alabama, this 4th day of April, 1923.

W. Y. Adams.

The State of Alabama, }
Blount County. }

Personally appeared before the undersigned authority, F. G. Stephens, who, being duly sworn, deposes and says that he is the publisher of the Southern Democrat, a newspaper published in Oneonta, Ala., and that the attached notice providing for the election of a County Treasurer for Blount County, was published for four consecutive weeks in said newspaper, commencing on the 2nd day of August, 1923, and ending on the 23rd day of August, 1923.

F. G. Stephens,
Publisher.

Sworn to and subscribed before me this 23rd day of August, 1923.

F. A. Hearn,
Register.

By Mr. Smith of Lee:

H. 796. To enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to provide that said commission shall have the same powers and jurisdiction over public utilities engaged in interstate commerce not regulated under acts of the Congress of the United States as said commission has over public utilities engaged in intrastate commerce within the State.

Judiciary.

By Mr. McDaniel (with notice and proof):

H. 797. To confirm, ratify and validate all warrants of the county of Marengo heretofore issued by the judge of probate, under the authority of the Commissioners Court of said county, in all cases wherein said county has received the benefit of the goods, wares or merchandise furnished the said county, or the work and labor done for said county, or any service rendered to said county, for any lawful purpose, by any person, firm or corporation, and which said goods, wares or merchandise, or work and labor, or other service, was accepted and used for the benefit of said county, in the lawful business of said county, and to make the said warrants valid, legal and binding upon the said county to the same extent as if all requirements of law had been fully complied with by the said Commissioners Court and probate judge prior to the issuance of said warrants.

Judiciary.

Notice and proof H. 797:

NOTICE.

Notice is hereby given of intention to apply to the Legislature of Alabama to enact a local law for the county of Marengo, State of Alabama, confirming, ratifying and validating all county warrants heretofore issued

by the judge of probate under the authority of the Commissioners Court of said county, in all cases wherein such county has received the benefit of the goods, wares or merchandise furnished said county, or the work and labor done for said county, or any service rendered to said county for any lawful purpose, by any person, firm or corporation, and which said goods, wares and merchandise or work and labor, or other service, was accepted, and used for the benefit of said county, in the lawful business of the said county, and to make the said warrant valid, legal and binding upon the said county to the same extent as if all requirements of law had been fully complied with prior to the issuance of the said warrants, by the Commissioners Court and probate judge.

The State of Alabama, }
Marengo County. }

Before me, H. F. Little, a Notary Public in and for said county, personally appeared R. E. Sutton, who being by me first duly sworn deposes and says that he is now and has been for more than twelve months past, publisher of the Democrat-Reporter, a newspaper published in Marengo county, Alabama, and that the notice attached to this affidavit was published in said newspaper in its issues of July, 12th, July 19th, July 26th and August 2nd, 1923, and the same is a true and correct copy of the original notice.

R. E. Sutton.

Sworn to and subscribed before me this the 14th day of August, 1923.

H. F. Little,
Notary Public.

By Mr. McDaniel (with notice and proof) :

H. 798. To confirm, ratify and validate all six per centum interest-bearing warrants, which have heretofore been or may hereafter be, issued by authority of the Commissioners Court of the county of Marengo, for the purpose of refunding the existing lawful indebtedness of said county, under the power conferred by an act approved September 28th, 1920, or any other provision of law.

Judiciary.

Notice and proof H. 798:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama to enact a local law for the county of Marengo, State of Alabama, to confirm, ratify and validate all six per centum interest bearing warrants which have heretofore been or may hereafter be, issued by the Commissioners Court of said county, for the purpose of refunding the existing lawful indebtedness of the said county, under the power conferred upon said court by an Act approved September 28th, 1920, or any other provision of law; provided, always, that no debt shall be created, in so doing, in excess of the limitation prescribed by section 224 of the Constitution of Alabama.

The State of Alabama, }
Marengo County. }

Before me, H. F. Little, a Notary Public in and for said county, personally appeared R. E. Sutton, who being by me first duly sworn deposes and says that he is now and has been for more than twelve months past, publisher of the Democrat-Reporter, a newspaper published in Marengo

county, Alabama, and that the notice attached to this affidavit was published in said newspaper in its issues of July 12th, July 19th, July 21st and August 2nd, 1923, and the same is a true and correct copy of the original notice.

R. E. Sutton.

Sworn to and subscribed before me this the 14th day of August, 1923.

(Seal)

H. F. Little,
Notary Public.

By Mr. Grove:

H. 799. To amend section 5A of part 1 and sections 8, 15, 17, 19, 20 and 32 of part 2 of act No. 245 of the laws of 1919 of the State of Alabama, entitled "An Act prescribing the liability of an employer to make compensation by way of damages for injuries received by an employee occasioned by an accident arising out of and in the course of his employment and providing for the enforcement of same, modifying common law and statutory remedies, in such cases; establishing an alternative elective schedule of compensation, regulating procedure for the determination of liability and compensation thereunder in certain cases, and prescribing penalties for the violation thereof; and providing for attorneys' fees and for medical and surgical services," approved August 23rd, 1919.

Judiciary.

By Mr. Kilborn:

H. 800. To amend an Act, approved October 1st, 1920, entitled "An Act to amend Section 9 of an Act entitled an Act 'to provide for the appointment of an official court reporter by each circuit Judge in Alabama; to fix their compensation, define their duties, and provide for special reporters in certain cases,' approved September 25, 1915."

Revision of Laws.

By Mr. Goodwyn:

H. 801. For the protection of the public health by regulating the possession, control, dealing in, giving away, delivery, dispensing, administering, prescribing, and use of certain drugs, and keeping records thereof; by regulating the use of the drugs in the treatment of the drug habit; by providing for the revocation and suspension of licenses of physicians, dentists, veterinarians, pharmacists, druggists, and registered nurses for certain causes, and by providing for the enforcement of this act, and penalties.

Public Health.

By Mr. Embry:

H. 802. To provide for the appointment of the clerks of the circuit courts as registers of the circuit courts in all counties now having or which may hereafter have a population of less than thirty-five thousand according to the last Federal census or any succeeding Federal census; to provide for their compensa-

tion and to prescribe their powers and duties and to fix their term of office.

Judiciary.

By Mr. Embry:

H. 803. To amend Section 5430 of the Code of Alabama of 1907 by adding Sub-Division 9 to said Section 5430.

Judiciary.

By Mr. Fanning (with notice and proof):

H. 804. For the relief of the County Officers in Walker County, Alabama, and to provide for the filing and allowance of claims against the fine and forfeiture fund of said county for fees or other compensation for services rendered during the ten years immediately preceding January 1st, 1923.

Local Legislation.

Notice and proof H. 804:

NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama in 1923 providing in substance that in all cases where claims arose or existed in favor of any county officer in Walker County, Alabama, during the ten years immediately preceding January 1st, 1923, for any kind of service in his or her capacity as such officer and for which service said officer became entitled to fees or other compensation to be paid out of the county treasury of Walker County, Alabama, or from any fund thereof, or in all cases where such services became a claim against Walker County that such officer may have six months after the approval of this act to file claim or claims with the Commissioners Court of Walker County, Alabama, for the allowance of such fees or compensation and the Commissioners Court of said county shall allow such claim or claims and order the same paid out of the general funds of Walker County, Alabama, or any special fund against which the same may have been chargeable and shall cause warrants to be issued to the party in whose favor the claim is allowed for the amount of any such claim.

This 23rd day of January, 1923.

J. M. Phillips.

State of Alabama, }
Walker County. }

Before me, a Notary Public in and for said State and County, personally appeared L. S. Richardson, Publisher of the Mountain Eagle, a weekly newspaper published at Jasper, Walker County, Alabama, who being duly sworn, deposes and says that the notice, copy of which is hereto attached, was published in said paper for four consecutive weeks, January 24th, January 31st, February 7th, and February 14th, 1923.

L. S. Richardson,
Publisher.

Sworn to and subscribed before me, this 7th day of July, 1923.
(Seal)

Steve Cranford,
Notary Public.

By Mr. Powell:

H. 805. A bill to be entitled An Act to submit to the qualified electors of the State at the general election to be held in November, 1924, an amendment to the Constitution for the pur-

pose of authorizing Walker County, Alabama, to levy and collect a special road tax not exceeding fifty cents on each One Hundred Dollars worth of taxable property in said County, under such regulations as the Legislature may have prescribed or may hereafter prescribe.

Be it enacted by the Legislature of Alabama :

1. That the following amendment to the Constitution of Alabama is proposed to be submitted to the qualified electors of the State for their ratification or rejection at the general election to be held in November, 1924, at which the amendment shall be proposed, to-wit :

Article —, "Section 1. The County of Walker, State of Alabama, shall have power to levy and collect a special county road tax not exceeding fifty cents on each one hundred dollars worth of taxable property in such county in addition to that now authorized or that may hereafter be authorized for public road purposes; provided, that of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county, and voted for by a majority of those voting at such election.

Section 2. Twenty-five per centum of all moneys derived from property lying within municipalities and arising from the tax proposed herein shall be paid to such municipality and shall, by it, be expended for upkeep of its streets.

Section 3. The Court of County Commissioners, boards of revenue, or other governing body of said county may, or upon written petition of ten per centum of the qualified voters of Walker County, shall call and submit said election provided for and authorized by section one hereof to the qualified electors of Walker County either at the time of the general election, or at a special election called for that purpose; provided, that said election shall be called and held in accordance with the law now or that may hereafter be enacted governing county bond elections, and in conformity with the general election laws of the State.

2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least eight successive weeks next preceding the said election on the amendment proposed by this Act to be submitted to the qualified electors of the County for their ratification or rejection.

3. That at the general election to be held as herein provided, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election there shall be printed the following, namely: Shall the following be adopted as Article — of the Constitution of Alabama? "Section 1." The County of Walker, State of Alabama, shall have power to

levy and collect a special road tax not exceeding fifty cents on each hundred dollars worth of taxable property in said county in addition to that now authorized or that may hereafter be authorized for the erection, construction, or maintenance of the necessary public roads, bridges or ferries and in addition to that now authorized under Section 215 of Article XI of the Constitution, which special county tax so levied and collected shall be applied exclusively to the purpose for which the same was so levied and collected; provided, that the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county, and voted for by a majority of those voting at such election."

4. The officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials, as provided by the election law of the State for the appointment of officers to hold other general elections in the State, and the election shall be held in all respects in accordance with the law governing general elections and with the constitutional provisions concerning amendments to that instrument.

5. That the votes cast at said election shall be counted, canvassed, and returns made thereof to the Secretary of State in the same manner as in elections for representatives to the Legislature. The result of said election shall be made known by proclamation of the Governor, and if a majority of all the qualified electors who voted at said election upon the proposed amendment shall have voted "Yes" said amendment from the date of said proclamation shall be valid to all intents and purposes as a part of the Constitution of Alabama and as an Article thereof.

6. Residents of Walker County, residing outside of municipal corporations, shall be exempt from public road work and the payment of per capita tax in commutation of road work or services.

The above and foregoing bill proposing an amendment to the Constitution was read one time at length.

By Mr. Culver:

H. 806. To make appropriations to the Alabama Technical Institute and College for Women, the University of Alabama and the Alabama Polytechnic Institute.

Ways, Means and Appropriations.

By Mr. Culver:

H. 807. To make appropriations for the support and maintenance of institutions of higher learning in Alabama, including the Agricultural and Mechanical College for Negroes, the Alabama Technical Institute and College for Women, the Alabama Polytechnic Institute, and the University of Alabama, and to prescribe conditions governing said appropriations.

Ways, Means and Appropriations.

By Mr. Williams (with notice and proof) :

H. 808. To establish a Law and Equity Court for Franklin County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide for trial tax fees; to provide that said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; to provide for an official court reporter for said court and fix his compensation; and to provide for the transfer of causes now or hereafter pending in the Circuit Court of Franklin County, Alabama to the Law and Equity Court; to abolish the County Court of Franklin County and the office of deputy solicitor of Franklin County.

Local Legislation.

Notice and proof H. 808:

NOTICE OF A LOCAL LAW.

The State of Alabama,

Franklin County.

To whom it may concern:

You will take notice that at the present session of the Legislature of Alabama, that a bill will be introduced and an effort made to have the same enacted into law, to create and establish a Law and Equity Court for Franklin County, Alabama; prescribing the powers and jurisdiction of said court, providing for its officers, their powers, duties and compensation, and time of holding said court; providing for the manner of drawing the jurors for said court and their compensation; fixing compensation for witnesses, prescribing the rules of procedure of said court; providing for the transfer of certain causes now or hereafter pending in law or in equity of the Circuit Court of Franklin County, Alabama, to the said Law and Equity Court of Franklin County, Alabama, and providing the way and manner of appeals from said court to the Supreme Court and the County, Alabama, and the transfer of all cases pending therein to said Law and Equity Court of Franklin County, Alabama.

Dated this the 25th day of July, 1923.

AFFIDAVIT.

The State of Alabama, }
Franklin County. }

Before me, B. H. Sargent, Notary Public in and for said County and State, personally appeared L. L. Jackson, publisher of The Franklin County Times, a weekly newspaper published at Russellville, Alabama, in the County of Franklin, who being duly sworn states on oath that the below attached notice was published in The Franklin County Times once a week for four consecutive weeks, beginning with the issue dated July 26th, 1923 and ending with the issue dated August 16th, 1923.

L. L. Jackson,
Publisher.

Sworn to and subscribed before me this the 20th day of August, 1923.

B. H. Sargent.
Notary Public.

By Mr. Tunstall:

H. 809. Imposing an excise tax on persons, Corporations, Co-Partnerships, Companies, Agencies or Associations engaged

in the Business of Selling or Distributing Gasoline or other liquid motor fuels in this State in addition to any and all other excise taxes on the sale or distribution of gasoline or other liquid motor fuel under the laws of this State; providing for the collection and payment of such taxes and the disposition of the funds derived therefrom, and fixing penalties for violating any of the provisions of this Act.

Ways, Means and Appropriations.

By Mr. Ashcraft of Lauderdale (By request):

H. 810. To provide for the sale of personal property, sold under a conditional sale, the vendor retaining the title until fully paid for, where the vendor regains possession of such property under such conditional sales contract; and the application of the proceeds derived from such sale.

Judiciary.

By Mr. Ashcraft of Lauderdale:

H. 811. To legalize the making of photographic copies of records, papers, documents and instruments.

Judiciary.

By Mr. St. John:

H. 812. To promote the public health and to conserve the human resources of the State by prohibiting the gainful employment of manufacturing or mercantile establishments of child bearing women for a brief period immediately before and after child birth.

Judiciary.

By Mr. Arrington:

H. 813. To authorize and empower the sheriff of all counties of the State of Alabama which now have a population of 75,000 and not more than 95,000 population, according to the last Federal census or any subsequent Federal census, to employ an attorney to advise and represent him in his official capacity, and to fix the compensation of such attorney and the manner of the payment thereof.

Revision of Laws.

By Mr. Verner:

H. 814. To authorize and provide a fund to be known as the State Insurance Fund, which is to be carried by the state Treasurer for the purpose of insuring against loss by fire or tornado all State owned buildings or buildings in which the State has appropriated monies for the erection or equipment thereof, or which may have been deeded to the State, and all property equipment, furniture and fixtures or supplies belonging to or stored in such buildings and any and all properties of such nature as may be acquired by the State, and to this end to establish a basis for assessment and collection of premiums, to provide for a sink-

ing fund with which to pay losses, to provide an emergency appropriation to be used only in case of loss by fire or tornado in excess of collection of premiums, to provide for a division of the State's property into groups, to provide for return of surplus for maintenance purposes, to provide for inspection and valuation of State property and promulgate rules and regulations necessary for the operation of the Act.

Judiciary.

By Mr. Smith of Clay:

H. 815. To authorize the Board of Revenue or Court of County Commissioners of any County in this State to furnish the several offices of such County with equipment and conveniences, including telephone service.

Judiciary.

BILLS ON SECOND READING.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House without recommendation:

H. 456 (without recommendation). To regulate Primary elections in the State of Alabama.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 491. To prevent any person who hires or rents an automobile from taking or removing same or causing or allowing same to be taken or removed out of the State of Alabama without the consent of the owner, not intending to return same to its owner; providing punishment therefor; and providing that such taking or removal from the State of Alabama shall be prima facie evidence of the intent not to return same to its owner.

H. 492. To prohibit any person from fraudulently obtaining possession of an automobile by hiring or renting same with intent to convert it to his own use—and converting same; providing punishment therefor; and providing that evidence of such conversion be prima facie evidence of fraudulent intent to convert at time possession obtained.

H. 493. To prohibit the knowingly use of or knowingly suffering the use of an automobile, hired or obtained from another for a lawful purpose or business, to be used, for the purpose of the removal or transportation of prohibited liquors in violation of the laws of Alabama. And to provide the punishment for the violation thereof.

H. 494. To prohibit the hiring or renting of an automobile with intent to defraud; to fix the punishment for the violation thereof; and to prescribe a rule of evidence in prosecutions thereunder:

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 536 (with amendment). To amend Section 1 of an act of the Legislature of Alabama, approved Sept. 22, 1915 and entitled, "An act to amend Sections 1222 and 1226 of the Code of 1907, relating to recorders and recorders' courts and to fines and sentences imposed by them."

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 666. To amend Section 8 of an Act entitled "An Act to provide for the organization, regulation and government of the State Bar Association, including admissions and disbarments of lawyers," approved August 9th, 1923.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 679 (with substitute). To amend section three of an Act to provide for the election of a solicitor for each Judicial Circuit in the State; to fix his compensation; authorize the appointment or election of Deputy Solicitors and Assistant Solicitors, prescribe their duties and authority, and fix their compensation, approved September 25th, 1915.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 703. To fix the salaries and to provide for the payment thereof of the judges of all judicial circuits in the State of Alabama where the district is composed of only one county and has only one judge.

H. 719. To prevent Sheep and Goats from running at large in counties having a population of Two Hundred Thousand or more according to the last or any subsequent Federal census.

H. 720. To authorize the Governor of the State of Alabama, for and in the name of and in behalf of the State of Alabama, to

rescind any contract of purchase of land at the request of the grantor, and re-convey the land in cases where the land was conveyed to the State with the understanding or agreement that a school or other institution was to be established and or maintained by the State thereon, if the State by and through its proper officers has abandoned the use of the land for the purpose for which it was acquired; provided the purchase price paid for such land and value of permanent improvements erected by the State on the land, less a credit for any and all money collected by the State as a result of fire or other casualty, or in any way on account of said land or any part thereof, is refunded to the State at the time of reconveyance.

H. 733. To regulate the settlement, adjustment or compromise of legal claims and demands growing out of personal injuries, whether causing death or not, and to provide penalties for the violation thereof.

H. 754. To further regulate and to further provide for appeals from any final action or order of the Alabama Public Service Commission.

H. 761. To provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or any such census which may hereafter be taken to regulate the selection and election of commissioners and their terms of office and recall from office, to fix their powers, duties and compensation, to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said commission form of Government.

H. 764. To authorize the State to purchase the Eighth Volume of Mayfield's Digest of Alabama Reports.

S. 212. To amend Section 5417 of the Code of Alabama of 1907.

S. 343. To provide for the appointment of a humane officer in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken; to define the duties and fix the compensation of said humane officer.

S. 375. To subject the salary of officials or employees of a city, county or state government to writs of garnishment, and to provide how and upon whom such writs may be served.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had

acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 628 (with amendment). To require all county officers who receive or distribute county fund or moneys to make quarterly reports to the Court of County Commissioners, Boards of Revenue, or other governing body of the county.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 633. To regulate the fees of Registers of the Circuit Courts in Equity in certain cases.

H. 712. To define and enlarge the jurisdiction of Justices of the Peace and Notary Public ex-officio Justices of the Peace, in the Precinct or Beats in which the Court House is located in all counties in the State of Alabama where the County Courts have been abolished, and where no other Court of like jurisdiction has been established.

H. 734. To permit the members of the Tax Commission of the State of Alabama to accept and travel upon passes over the railroads of this State while engaged in the actual business of the State.

S. 337. To amend Section 5534 of the Code of Alabama of 1907.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 39. To provide for the completion of the topographical Survey and map of the State of Alabama.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendments:

H. 73 (with amendments). To regulate the sale of lightning rods; to provide for a permit to be issued by the Insurance Commissioner of the State of Alabama, to fix a license for each County in the State, to fix a maximum privilege tax to be levied by any City or Town; to provide penalties for the violation of the provisions of this Act, and to repeal all laws or parts of law, general, local or special, in conflict with this Act.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 227 (with substitute). For the relief of Thomas J. Hale of Reform, Pickens County, Alabama, to pay him the sum of \$500.00 and the interest thereon from July 1st, 1910, due him by a contract made with him by the State High School Commission, employing him as principal of the Pickens County High School for the year 1909-10.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 372 (with substitute). To amend an Act approved September 30, 1919, entitled "An Act to create a State Highway Department; to define its powers and duties; to authorize State Aid in the construction and maintenance of public roads and bridges; to create a State Highway Fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State Highway Department to work State convicts upon public roads and bridges as is now or may hereafter be provided by law; to assent to the act of Congress approved July 11, 1916, known as the "Federal Aid Law" and to authorize the State Highway Department to co-operate with the United States Government in the construction and maintenance of rural post roads; and to repeal the Act approved April 5, 1911, entitled "An Act to provide for the creation of a State Highway Commission defining its powers, duties, and compensations, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State Aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources."

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 731. To make further provision for paying the mileage and per diem of the members and officers and expenses of the Legislature.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 741 (with amendment). To levy and collect an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in any county in the State; to provide for the collection and payment of such tax; to provide for holding elections in any of such counties to determine whether such excise tax shall be levied and collected; and to fix penalties for the violation of any of the provisions of this act.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 746. To make an additional appropriation to the public schools.

H. 747. To make an appropriation for the further equalization of educational opportunities in the several counties of the State and to prescribe the method of its apportionment.

S. 131. To amend Sec. 3531 of the Code of Alabama of 1907 as amended by an act of the Legislature approved Oct. 5, 1920.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

~~S. 149 (with amendment). To amend an Act entitled "An~~
Act to promote the sale of farm loan bonds issued by the Federal Land Banks organized under the provisions of the Farm Loan Act," approved September 17, 1919.

Mr. Culver, Chairman of the Standing Committee on Education, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 749. To amend Section 3 of Article 7 of an Act entitled "An Act to provide a complete educational system for the State of Alabama * * *," approved September 26, 1919.

H. 751. To amend Section 1 of Article 5 of an Act entitled "An Act to provide a complete educational system for the State of Alabama * * *," approved September 26, 1919.

H. 752. To amend Section 1 of Article 16 of an Act entitled "An Act to provide a complete educational system for the State of Alabama * * *," approved September 26, 1919.

H. 613. In reference to the Alabama School of Trades and Industry; to give the trustees of said school authority to select the location for said school; to extend the terms of the trustees of said school and to provide for its future management and control.

S. 190. To provide that money, property or any other thing of value may be donated to be held in trust for the benefit of the elementary schools or school of the State, and to provide for the administration of such trust.

S. 269. To provide for the proper display of the United States Flag and the Flag of the State of Alabama in the schools of Alabama that are supported in part or in whole by public funds and to provide for the enforcement of the same.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 330. To change and define the boundary line of St. Clair County, Alabama, between said county and the county of Jefferson.

H. 585. To define the jurisdiction of justices of the peace and notaries public who are ex-officio justices of the peace in precinct No. 3 in Cullman county, and to provide for the services of process from their courts.

H. 595. To provide that in Walker County, the Assessment Lists or Sheets shall constitute the Book of Assessments as required by the General Revenue Law.

H. 644. To change and extend the City Limits of the City of Montgomery, Alabama, as follows: Commencing at a point at the center of South Court Street, 350 feet South of the South line of Felder Avenue, thence north 75 feet, more or less, to a point opposite the center of Norwood Street, thence west along the center line of Norwood Street, extended and continuing westward to the center of Goode Street, thence South along the center of Goode Street, 796 feet, thence east 612 feet, thence North 135 feet, thence east 336 feet, to the southwest corner of the property of Arthur Pelzer, thence north 282 feet, more or less, to the south side of a fifty foot street lying on the north side of said Pelzer property, thence east along the south side of said street 300

feet, to the center of South Court Street, thence north along the center of South Court Street, to the point of beginning.

H. 658. To provide for the employment, discharge and compensation of road patrolmen in all counties of the State of Alabama having a population of not less than 92,500 nor more than 150,000 according to the last or any subsequent Federal census and to define their duties.

H. 675. Empowering the Clerk of the Circuit Court in the County of Monroe to issue capias for the arrest of persons charged with misdemeanors in the County Court or said County and empowering said Clerk to issue other process out of said County Court, such as forfeiture Sci Fas, Attachment of Writs, etc., and to provide compensation for said service.

H. 668. To provide additional duties and confer additional powers on each member of the court of county commissioners of Crenshaw County, Alabama, in supervising the construction, maintenance and upkeep of the roads and bridges in his district; to extend the time now allowed by law to county commissioners of Crenshaw County for the discharge of their official duties and to fix their salary and mileage.

H. 685. To prescribe the duties and fix the compensation of the Deputy Solicitor for Walker County, Alabama, and to repeal all laws and parts of laws in conflict with this Act.

H. 691. To amend Section 8 of an Act entitled "An Act to create the office of county solicitor for Crenshaw County, Alabama, to prescribe his qualifications and duties; to provide for his election by the qualified electors of the county; to provide for the filling of vacancies in said office; to fix his salary and prescribe the length of term of his office and to repeal conflicting laws."

H. 693. Authorizing the Court of County Commissioners of Henry County, Alabama, to issue interest bearing warrants of said county against the general fund thereof, in rerund of all or any portion of the outstanding warrants against said fund, the highway fund and the non-interest bearing warrants of the Road and Bridge fund of said county, and provide for payment of such refunding warrants.

H. 705. To provide for the election of a county superintendent of Education for Wilcox County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, and to provide for the election of his successor in office.

H. 714. To provide that the Tax Collector of Coffee County shall pay to the treasurer of the City Board of Education all district taxes for school purposes where the same is levied and collected in all Towns in Coffee having 1,000 population according

to last or any succeeding Federal Census and whose council elects a City Board of Education, and to provide for paying out the same by such treasurer of the City Board of Education.

H. 716. To provide a system for the construction and maintenance of public roads and bridges for the County of Fayette, Alabama. By creating a Road Commission in the several precincts of said county; by appointing overseers in the several precincts by said Road Commission; by requiring the members of said Road Commission to take the oath of office; by requiring the Treasurer of said Road Commission to give bond; by requiring all male citizens between the age of eighteen and forty-five years to work on the public roads and bridges eight days each year or pay a commutation fee in lieu of work of \$8.00 per annum; by requiring the Road Commissioners and overseers to serve as such Road Commissioners and overseers when within road age; by prescribing the method of securing exemption from road duty; by providing for the collection of said commutation fees by the Treasurer of the several Road Commissions; by directing how said commutation fee shall be expended by said Road Commission; by requiring the Road Commission in the several precincts to make reports to the County Commissioners as to how said commutation fees have been expended; by providing a method for warning hands to work on said roads and bridges; by providing a method for excusing defaulters from working said roads and bridges; by providing for the making and painting of mile posts and direction signs to be paid for by the County Commissioners out of any special road funds; by providing the duties of County Commissioners, Road Commissioners and overseers with reference to said roads and bridges; by providing for the keeping and repairing of road tools, machinery and implements belonging to said county to be used for working and maintaining said roads and bridges; by providing for the removal of Road Commissioners and overseers for neglect of duty, drunkenness or incompetency; by providing for the paying of a license tax on wagons and motor trucks used on said roads and bridges for commercial purposes and said license tax to be used in repairing the roads and bridges of said county used or contemplated being used by the party paying said license tax; by requiring automobiles, taxicabs or other motor vehicles transporting passengers for hire on said public roads and bridges to pay a license tax to be used in repairing the roads and bridges of said county used or contemplated being used by the party paying said license tax; by prohibiting wagons and trucks on which a license tax is required to be paid from using said roads and bridges for a period of twelve and fifteen hours after each rain of sufficient quantity to stand in puddles in said roads for

a period of thirty minutes after each rain; by requiring the owners of said wagons and trucks to immediately repair damages to said roads when used in a soggy or boggy condition; by requiring the owners of said wagons and trucks to immediately repair all damage done to the bridges on said roads; by making the owners of said wagons and trucks liable for damage done to said bridges; by giving the county or any citizen thereof the right to enjoin said owners of said wagons and trucks from damaging or injuring said roads and bridges; by giving the County Court and Circuit Court jurisdiction of all criminal violations of said Act; by giving the Circuit Court jurisdiction of civil suits for damages to said roads and bridges; by requiring the Circuit Judge to give this Act in charge to the Grand Jury; by providing that violations of this Act shall be commenced in the County or Circuit Court; by making the sheriff, constables, state law enforcement officers and all road officials of said County to begin prosecution for violations of this Act; by authorizing the County Commissioners to supplement the commutation fees in the several precincts of said County from any special road or bridge funds or the gasoline tax fund by paying said supplement to the Road Commissions in the several precincts to be used by them in repairing and maintaining the roads in their respective precincts; by requiring the Road Commission through one of its members of the several precincts to report all violations of this Act to the Grand Jury and to report the condition of said roads of their respective precincts to said Grand Jury and providing penalties for the violations of this Act.

H. 721. To authorize the Board of Revenue of Jefferson County, Alabama, to construct and maintain sanitary trunk sewers into and through the Town of Inglenook, Alabama.

H. 726. To provide for the election of a County Superintendent of Education for Monroe County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for the election of his successor in office.

~~H. 738. To create and establish a Board of Jury Super-~~
visors in every county in this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than ninety-five thousand people, according to the last Federal decennial census, or any such census which may hereafter be taken; to provide that the circuit judges, the judge of probate, the sheriff and the clerk of the circuit court of all such counties shall constitute the Board of Jury Supervisors and to confer upon them all the jurisdiction and all the power and authority which is now or which may hereafter be by law vested in jury commissions in this State; to provide

that they shall perform and discharge all the duties of jury commissioners without compensation, except as provided by this act; to authorize them to elect one of their number president of such board of Jury Supervisors, and to provide that the clerk of the circuit court of all such counties shall be ex-officio clerk of such board of Jury Supervisors; to fix his salary as such clerk, the manner of its payment, and to abolish the jury commission and the clerk thereof in all such counties.

H. 756. To alter and rearrange the boundaries of the town of Ashford, Houston County, Alabama.

H. 763. To authorize the Court of County Commissioners of Pickens County, Alabama to make appropriations to the County Board of Education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational instruction.

S. 347. To create and establish a Board of Revenue in and for Calhoun County, Alabama, in the place and instead of the Court of County Commissioners of Calhoun County now existing in said county, and abolishing said Court of County Commissioners of said county; to divide the said county of Calhoun into five districts for the election of members of the said Board of Revenue, and fixing the boundaries of said districts; defining the jurisdiction of said Board of Revenue and fixing their compensation, and conferring upon said Board of Revenue all the jurisdictions, powers and authority granted by law to Courts of County Commissioners, Boards of Revenue, or other governing bodies of like kind and authority in the State of Alabama; constituting the first members of said Board of Revenue, and providing for the election of their successors.

S. 348. To establish the office of road supervisor in and for the county of Calhoun; to prescribe his qualifications and duties, to fix his salary and to provide for the method of his election or appointment.

S. 349. To repeal an act entitled, "An Act to regulate and secure a better working of public roads in the County of Calhoun, and to prescribe the powers and duties of various officers in relation thereto," approved February 28th, 1901.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

S. 332 (with amendment). To establish a board of revenue for the county of Winston to consist of five members, one of whom shall be president thereof, in lieu of the commissioners' court of said county; and to confer on said Board of Revenue all

the powers, jurisdiction, and prescribing for it all the duties of the Commissioners' Court of said county, and otherwise defining its jurisdiction, powers and duties; providing for the appointment of the members of said board, prescribing their terms of office and providing for the appointment of members of said board to hold office after the expiration of the terms of office of the first members of said Board and prescribing their terms of office, providing for the appointment of a clerk of said board and defining his duties, powers and compensation; providing for the compensation of the members of said board; and abolishing the Court of County Commissioners of said County.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 340. To authorize and empower the Town Council of the Town of Clanton, Alabama, to vacate, annul or narrow any street, avenue, alley or other public place in said Town and to convey such portion of any street, avenue, alley or other public place so vacated, annulled or narrowed, to the adjacent land-owners.

S. 355. To amend Sec. 1 of an Act entitled "An Act to establish a new charter for the Town of Hartselle, in Morgan County," approved February 18th, 1899, and as amended by an act approved August 2nd, 1907.

Mr. St. John, Chairman of the Standing Committee on Corporations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 638. To provide for the organization, regulation and extension of institutions for savings and credit facilities to be termed "Co-operative Credit Associations," and to define their powers.

Mr. Rives, Chairman of the Standing Committee on Privileges and Elections, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 650. To provide for absent qualified electors of the State of Alabama to vote in any election in this State while absent from the State or from the county or precinct in which he is a qualified elector; to provide the method of carrying out such provision; and to require election officers and others charged with duties hereunder to perform duties in connection therewith.

Mr. Rives, Chairman of the Standing Committee on Privileges and Elections, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

S. 46 (with amendment). To amend Section 341 of the Code.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organization, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 339. To provide and prescribe the manner and method by which changes and alterations in the form of government of cities having a population of 100,000 or more according to the last or any subsequent Federal census may be adopted, and to provide when such change or changes shall become effective.

Mr. Embry, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

S. 172 (with substitute). To amend an act approved October 31, 1921, entitled an act to provide further for the construction, repair, and maintenance of the public roads, bridges and highways in this State.

Mr. Embry, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 698. To authorize courts of county commissioners or courts of like jurisdiction of the several counties of the State of Alabama, to contract for purchase and take over by lease or otherwise the operation of bridges over streams, and to maintain the same as public highways; to expend county funds to carry out such contracts and for the maintenance of said bridges; to incur liabilities accruing to such counties or the owners or lessors of such bridges on account of accidents or injuries that may arise from the operation of such bridges; to contract with other courts of county commissioners in adjoining counties for the joint taking over and operation of bridges; to lease and maintain bridges over streams lying partly or wholly within the limits of any incorporated municipality and to ratify and confirm all contracts heretofore made by any court of county commissioners or court of like jurisdiction for the leasing, maintenance and operation of bridges, and to ratify and confirm all payments heretofore made on account of pre-existing contracts or operations.

Mr. Grove, Chairman of the Standing Committee on Game, Fish and Forestry Preservation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 656. To appropriate twenty-five thousand dollars to be used by the Commissioner of Conservation of Alabama in fostering, protecting, improving, developing and regulating the oyster industry of Alabama, in conserving the oyster resources of the State of Alabama, and in making the barren oyster bottoms productive.

H. 677. To revise and amend Chapter 20 of the Code of 1907.

Mr. Walton, Chairman of the Standing Committee on Penitentiary and Criminal Administration, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 309. To authorize and provide for the establishment and operation of a printing plant by the Convict Department and for the employment of convicts therein.

S. 335. To amend Sections 1 and 3 of an act "To relieve all persons, other than county convicts, of any obligations to work on the public roads or to pay any penalties in default thereof, in counties of the State of Alabama whose aggregate tax values according to the complete assessments of the preceding year amount to as much as one hundred million dollars," approved September 16, 1915 (General Acts of 1915, Page 589).

The above and foregoing bills were severally read a second time and placed upon the Calendar.

BILLS REPORTED ADVERSELY.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 287. To fix compensation or salaries to be paid the Judge of Probate, Tax Collector and Tax Assessor of the several counties of the State, to regulate the payment of the same; to provide for the selection of clerical and other assistants to said officers, and the manner of fixing the compensation and paying the same, and provide rules and regulations for the conduct and operations of such officers made necessary by changing the method and basis of compensation of said officers, and to prescribe when said Act shall go into effect.

H. 496. To prohibit the hiring of an automobile with intent to injure or defraud its owner; to prohibit an automobile ob-

tained under written contract of hire from being used for a different purpose or business or greater length of time than for which hired; to prevent the use of same in violation of the criminal law of the State of Alabama; to provide punishment therefor; and to prescribe a rule of evidence in prosecutions thereunder.

H. 596. To prohibit facts illegally obtained from being used as evidence in any court in Alabama.

S. 317. To amend section 6376 of the Code of Alabama of 1907.

S. 319. To amend section 6372 of the Code of Alabama of 1907.

S. 338. To amend Section 3441 of the Code of Alabama of 1907.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 234. To amend Section 2069 of the Code of Alabama of 1907.

H. 637. To amend Section 3837 of the Code of Alabama of 1907.

H. 317. To abolish the Board of Registrars of the several Counties of Alabama, and to provide for the performance of the duties of said board by the several judges of Probate of the several counties of Alabama, and to further regulate the Registration of Electors.

H. 259. To amend Sections 2893, 2894, and 2895 of the Code of Alabama of 1907.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 89. To provide for the distribution of the funds arising from the tax on iron ore and coal mined in the several counties of Alabama, known as the "Tonnage Tax" between the State of Alabama and the counties in which the tonnage is mined as follows: 60% to the State of Alabama and 40% to the county in which such iron ore and coal is mined, and to provide the manner of its payment.

H. 128. To further regulate the license or privilege tax required for the manufacture and sale of coffins.

H. 154. To provide for an occupation tax upon all distributors selling gasoline and other fuels in this State, requiring all distributors therein to register, and make returns, providing for

the distribution of money from this tax to the different counties, providing also penalties for the violation of this Act.

H. 180. To regulate the selling of gasoline at retail and to provide the punishment for the violation of this Act.

H. 265. To regulate the assessment and collection of the Ad Valorem Taxes on self propelling vehicles and motor driven vehicles.

H. 276. To further provide for the general revenues of the State.

H. 335. To amend Sections Two and Three of an Act "Imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this act," approved February 10th, 1923.

H. 378. To amend Sections 8 and 10 of an Act entitled "An Act imposing an Excise Tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act," approved February 10, 1923.

Mr. Culver, Chairman of the Standing Committee on Education, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 653. To change the name of The State Normal School at Livingston, Alabama, to the Julia Tutwiler State Normal School.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

S. 211. To authorize and empower the commissioners of the City of Mobile to fix the duties of the Mobile Light and Railroad Company as to the pavement of streets in the City of Mobile by contract in lieu of the existing requirements.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organization, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 688. To authorize cities within the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal Census, to compel the construction and maintenance of subways, viaducts and bridges and their approaches, under or over and across railroad or street railroad tracks within the city limits, to apportion the cost thereof and to provide for the vacation of streets and highways, or parts of either in connection therewith; to provide remedies for the enforcement of and appeals from ordinances passed under authority of this Act.

Mr. Embry, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 586. To confer jurisdiction upon justices of the peace to try offenses arising under orders or regulations of courts of county commissioners or other governing bodies of counties regulating the use of the public roads and the running of vehicles over the same.

Mr. Grove, Chairman of the Standing Committee on Game, Fish and Forestry Preservation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 727. To repeal section 6901 of the Code of Alabama.

H. 612. To provide for the protection of persons who use shotguns in the pursuit of game and for sport; to provide that all shotgun shells loaded with powder and shot sold in the State of Alabama shall be so marked as to indicate the character, quality and quantity of the load, and to provide penalties for the violation of the Act.

NOTICE GIVEN.

Mr. Burton gave notice that on the next Legislative Day he would move to take H. 287 from the Adverse Calendar and place the same on the Regular Calendar of the House for passage.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Foster:

S. J. R. 112. Resolved by the Senate, the House concurring, that there is hereby created a special joint committee to consist of two members of the Senate, to be appointed by the President

of the Senate, and three members of the House, to be appointed by the Speaker of the House, whose duty it shall be to make investigation of the potential water powers of the State and the value of the same to the industrial development of the State; to consider what is necessary to be done to ascertain the amount of power which can be developed on the several streams in Alabama; the respective authority of the State and the Federal Government over the development and use of water power; the general policy the State should pursue in reference to the development of water power, and the granting of rights for that purpose; the necessity of steam auxiliary plants; taxation of hydro-electric plants and the making of rates to be charged the public by the distributors of such power; and to report to the Legislature their findings and conclusions and their recommendations for legislation to carry out a general policy to govern the development and use of water power.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate Joint Resolution set out in the above and foregoing message from the Senate was read one time and referred to the Standing Committee on Rules.

SPECIAL ORDER.

The House proceeded to the consideration of the special order, which was the bill,

H. 192 (with an amendment). To regulate the sale, giving away, or other disposition of drugs, medicines, or poisons in this State, and to provide for the creation of a Board of Pharmacy for service in connection with such sale, giving away, or other disposition.

The question was upon the adoption of the amendment reported by the Standing Committee on Public Health, said Committee amendment being as follows:

~~Amend House Bill No. 192, Section 1 thereof, by striking out the words "where there is no licensed pharmacist or assistant pharmacist" as they appear in lines 15 and 16 of same.~~

Amend House Bill No. 192, Section 3 thereof by striking out the entire section and substituting therefor the following:

Section 3. In order to be licensed as a pharmacist within the meaning of this act, the applicant must be not less than twenty-one years of age, of good moral character, and shall have been licensed as an assistant pharmacist for not less than two years prior to his application for license as a pharmacist, or shall present to the said Board of Pharmacy satisfactory evi-

dence that he has had not less than four years' practical experience in a pharmacy under the supervision of a licensed pharmacist, which experience shall include work directly related to selling drugs and poisons, compounding of pharmaceutical preparations and physicians' prescriptions, and keeping of records and making reports required under the State and Federal statutes; or two years' practical experience, as above provided, and shall have graduated in pharmacy at a school or college of pharmacy, recognized by said Board of Pharmacy, and also passed a satisfactory examination by or under the direction of said Board of Pharmacy; provided, further, that on and after January 1st, 1927, any applicant for a certificate as a licensed pharmacist shall be at least twenty-one years of age and a graduate of a Class A College of Pharmacy, that is, one holding membership in the American Conference of Pharmaceutical Faculties. It is further provided, That on and after January 1st, 1927, no assistant's license as a pharmacist shall be issued by the Board of Pharmacy. It is further provided, that a committee of five consisting of the Dean of the College of Pharmacy at Auburn and the Associate Professor of Pharmacy at Auburn and three to be appointed by the Alabama Pharmaceutical Association at its annual meeting each year shall have the power to pass upon the colleges of the United States who are entitled to come within the meaning of "A" grade colleges within the meaning of this Act.

And the amendment reported by the Standing Committee on Public Health was adopted.

Yeas, 66; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Goode	Lee	St. John
Adams	Goodwyn	Letson	Sanders (Concuh)
Adcock	Graves	McGowen	Sanders (Pike)
Arrington	Grove	Melton	Sessions
Ashcraft (Lauderd ¹)	Hall	Mooneyham	Smith (Clay)
Bowen, L. K.	Hatter	Moxley	Smith (Lee)
Burns	Hawkins	Nichols	Snodgrass
Burton	Henley	Norman	Stewart (Calhoun)
Calloway	Hodgson	Odom	Tunstall
Cook	Holcombe	Parker	Varner
Culver	Hornsby	Patterson	Verner
Dickinson	Howard	Pickens	Ware
Dowdle	Howze	Posey	Mrs. Wilkins
Dunwoody	Hubbard	Powell	Williams
Embry	Jones	Rives	Wyatt
Fanning	Kilborn	Rountree	Young
Ferrell	Kilpatrick		

—66

Nays: Mr. Henson—1.

And the bill,

H. 192. To regulate the sale, giving away, or other disposition of drugs, medicines, or poisons in this State, and to provide for the creation of a Board of Pharmacy for service in connection with such sale, giving away, or other disposition.

As amended, was read a third time at length and passed.

Yeas, 53; nays, 16.

Yeas:

Messrs:

Mr. Speaker	Embry	McGowen	Smith (Lee)
Adams	Goode	Melton	Snodgrass
Adcock	Goodwyn	Mooneyham	Stewart (Calhoun)
Arrington	Grove	Moxley	Tunstall
Ashcraft (Lauderdl.)	Hatter	Nichols	Varner
Bowen, Lewis	Hodgson	Odom	Verner
Bowen, L. K.	Howard	Parker	Walker
Burns	Howze	Pickens	Wall
Calloway	Jeter	Posey	Walton
Christian	Jones	Rives	Mrs. Wilkins
Cook	Kilborn	St. John	Williams
Culver	Kilpatrick	Sanders (Pike)	Wyatt
Dowdle	Lee	Smith (Clay)	Young
Dunwoody			

—53

Nays:

Messrs:

Blackwell	Deloney	Hampton	Love
Boykin	Fanning	Henson	McDaniel
Burton	Forman	Letson	Ringer
Coleman	Gaines	Long	Stewart (Bibb)

—16

Mr. Mooneyham moved to reconsider the vote by which the bill passed and then moved to table his motion to reconsider and the motion to table prevailed.

REPORT OF RULES COMMITTEE.

Mr. Tunstall, Acting Chairman of the Committee on Rules, returned to the House the following resolutions with a favorable report:

By Mr. Long:

H. J. R. 119. Whereas, the late Col. Jefferson Manly Faulkner established a home at Mountain Creek, Alabama, for soldiers and sailors, the said Jefferson Manly Faulkner conveying to the State the lands on which the said home was established, patriotically devoting, during his declining years, a substantial part of his worldly goods, his time and his energy toward the construction and maintenance of said Soldiers' Home and the comfort of its inmates, and,

Whereas, for many years after its establishment the said Soldiers' Home was known as "The Jefferson Faulkner Soldiers' Home;" and,

Whereas, by various Acts of the Legislature relating to the maintenance and operation thereof, it has been, in recent years, designated as "The Soldiers' Home at Mountain Creek," leaving off the name of the patriotic founder of said Home;

Therefore, be it resolved by the House of Representatives of Alabama, the Senate concurring, that the said Soldiers' Home at Mountain Creek be and it hereby is officially designated as "The Jefferson Manly Faulkner Soldiers' Home, Mountain Creek, Alabama," and that all statutes and resolutions heretofore enacted or adopted by the Legislature with reference to said Home, be and they hereby are construed as applying to the said Home by the designation of "The Jefferson Manly Faulkner Soldiers' Home, Mountain Creek, Alabama," and that in future statutes and resolutions and official communications relating to said Home, it shall be so designated.

Resolved further, that a certified copy of this resolution be furnished to the officers and trustees of said Home and to all interested officials of the State of Alabama, as well as to the widow and sons of the late Col. Jefferson Manly Faulkner.

And the resolution was adopted.

Also:

H. R. 121. Relative to making H. B. 518 a special order for the 39th Legislative Day.

Also:

H. R. 122. Relative to making H. B. 501 a special order for the 39th Legislative Day.

Also:

H. R. 123. Relative to making H. B. 592 a special order for the 37th Legislative Day.

And the Resolutions 121, 122 and 123 were adopted.

Mr. Tunstall, Acting Chairman of the Committee on Rules, returned to the House the following resolutions with a favorable report:

S. J. R. 112. Relative to a Joint Committee of the two Houses to investigate the potential water powers of the State, with the following amendment: Amend by striking "two" and insert "three" and by striking out "three" and inserting "four."

And the amendment was adopted and the S. J. R. 112, as amended, was concurred in and adopted.

SPECIAL ORDER.

The House proceeded to the consideration of the special order, which was the bill,

H. 201 (with substitute). To provide for the care, use and investment of State sinking funds for the payment of State bonds or other State obligations.

The question was upon the adoption of the substitute reported by the Standing Committee on Ways, Means and Appropriations, said Committee substitute being as follows:

A BILL.

Substitute for H. 201:

To be entitled an Act to provide for the care, use and investment of State sinking funds for the payment of State bonds or other State obligations.

Be it enacted by the Legislature of Alabama:

Section 1. Sinking funds and trust funds for the equitable use and benefit of the holders and owners of the State bonds or obligations for the payment of which the sinking fund was created. The State Treasurer is Special Trustee, not only for the care and custody of such sinking funds after they are paid into the State Treasury, but he is also special trustee for the use and investment of such funds in the mode and manner provided for in this Act.

Section 2. The State Treasurer, by and with the advice and consent of the Governor, may use the whole or any part of such sinking funds, as may be in the State Treasury, for the purchase of any interest bearing bonds of the State of Alabama, which bonds, when so purchased, and the interest thereon, shall be held and treated by the State Treasurer as a part of the sinking fund so invested, for the prompt and faithful payment of the debt for which such sinking fund was created. The State Treasurer, by and with the advice and consent of the Governor, may sell or convert any interest bearing bonds, which have been purchased with sinking funds under this Section, into cash or money for the purpose of paying any debt or obligation for which the sinking fund was created.

Section 3. Instead or in lieu of using sinking funds as is provided for in Section 2 of this Act, ~~the State Treasurer, by~~ and with the advice and consent of the Governor, may purchase, upon the best terms obtainable, State bonds or obligations for the payment of which the sinking fund was created, and when such bonds or obligations are so purchased they may be cancelled and retired by the State Treasurer, with the advice and consent of the Governor; provided, however, that no bond or obligation so purchased shall be cancelled or destroyed, unless it was purchased by and with the sinking funds which were created for the ultimate payment of such bond or obligation so purchased and cancelled. Such bonds or obligations, when so can-

celled or retired, shall be cancelled and destroyed by the State Treasurer in the presence of the Governor and the Attorney General, and entry thereof shall be made on the books of the State Treasurer as to the number, amount, character and denomination of the bonds or obligations so cancelled and destroyed, and the Treasurer, Governor and Attorney General shall certify to the correctness of the entries so made upon the books of the State Treasurer.

Section 4. If any State sinking Funds or any part thereof cannot be invested profitably in any of the other modes provided for in this Act, the State Treasurer, by and with the advice and consent of the Governor, may deposit any sinking fund or part thereof in a reputable and solvent Savings Bank on the best terms obtainable.

Section 5. The State Treasurer shall keep a separate book in which separate and full entries shall be made as to all deposits of sinking funds, which entries shall show with what bank deposited, or from whom bonds or other obligations are purchased, the terms of the deposit or the purchase. In the event any sinking funds is used for the purchase of any interest bearing bonds or other obligations of the State, the book entries shall show the amount of the funds so used and from whom the bonds or obligations were purchased. In the event any sinking fund or part thereof is used for the purchase of any bond or obligation under Section 3 of this Act, for which the particular sinking fund so used was intended and created, which is authorized to be cancelled and retired when so purchased, the book entries shall show the particular fund so used, the amount thereof, the time, character and denomination of the bond, coupon or other obligation so purchased, which is authorized to be cancelled, destroyed and retired, together with the necessary and proper entry as it hereinbefore provided, showing when such bonds, coupons or obligations were cancelled, destroyed or retired.

Section 6. This Act is not intended and shall not be so executed, enforced or construed as to allow any diversion, or conversion, of any particular sinking funds, or part thereof from the object and purpose for which such particular fund or part thereof was created, but, this Act shall be so executed and enforced as to enhance and increase the value of all sinking funds, and to apply each particular fund and the increased value or interest accruing therefrom to the prompt and faithful payment of the particular indebtedness or obligation for which the fund was created; and no sinking funds, or any part thereof, shall be devoted to any other use or purpose than that for which it was created and provided.

And the substitute was adopted.

Yeas, 76; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Jeter	Ringer
Adams	Embry	Jones	Rountree
Adcock	Fanning	Kilborn	Sanders (Conecuh)
Ashcraft (Lauderdl.)	Ferrell	Kilpatrick	Sanders (Pike)
Blackwell	Glenn	Lee	Sessions
Bowen, Lewis	Glover	LeMaistre	Smith (Clay)
Bowen, L. K.	Goodwyn	Letson	Smith (Lee)
Boykin	Grovc	Long	Sollie
Burns	Hall	Love	Stewart (Calhoun)
Burton	Hampton	Luck	Thompson (Etowah)
Byars	Hatter	McDaniel	Thompson (Jackson)
Calloway	Hawkins	McGowen	Tiller
Christian	Henley	Mooneyham	Tunstall
Coleman	Henson	Moxley	Varner
Cook	Hodgson	Norman	Ware
Culver	Hornsby	Parker	Mrs. Wilkins
Deloney	Howard	Pickens	Williams
Dickinson	Howze	Poole	Wyatt
Dowdle	Hubbard	Posey	Young

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And the bill,

H. 201. To provide for the care, use and investment of State sinking funds for the payment of State bonds or other State obligations.

As amended by the substitute reported by the Standing Committee on Ways, Means and Appropriations, was read a third time at length and passed.

Yeas, 80; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Hubbard	St. John
Adams	Embry	Jeter	Sanders (Conecuh)
Adcock	Fanning	Jones	Sanders (Pike)
Arrington	Ferrell	Kilborn	Sessions
Ashcraft (Lauderd'e)	Gaines	Kilpatrick	Smith (Clay)
Blackwell	Glenn	Lee	Smith (Lee)
Bowen, Lewis	Glover	LeMaistre	Snodgrass
Bowen, L. K.	Goode	Letson	Sollie
Boykin	Goodwyn	Long	Stewart (Bibb)
Burns	Graves	Love	Stewart (Calhoun)
Burton	Grove	McDaniel	Thompson (Etowah)
Byars	Guy	McGowen	Thompson (Jackson)
Calloway	Hampton	Melton	Tiller
Christian	Hatter	Moxley	Tunstall
Coleman	Henley	Parker	Verner
Cook	Henson	Poole	Ware
Culver	Hodgson	Posey	Mrs. Wilkins
Deloney	Hornsby	Powell	Williams
Dickinson	Howard	Ringer	Wyatt
Dowdle	Howze	Rountree	Young

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in the House amendment to the Senate Joint Resolution:

S. J. R. 112. Relative to a Special Joint Committee to investigate the potential water powers of the State.

J. E. Speight,
Secretary.

APPOINTMENT OF COMMITTEE.

The Speaker of the House, in accordance with the S. J. R. No. 112, named the following as the committee on part of the House: Messrs. Walker, Patterson, St. John and Williams.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has concurred in the following House Joint Resolution:

H. J. R. 127. Relative to adjournment of the two Houses until Tuesday, August 8th, at 2 o'clock P. M.

And returns same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Fite, the House concurred in the Senate amendment to H. J. R. No. 127, said Senate amendment being as follows:

Amend the resolution by striking out the words Tuesday, August 28th, and inserting in lieu thereof Monday, 27th.

And on motion of Mr. Goodwyn, the House requested the Senate to recede from its amendment to H. J. R. No. 127.

RECOMMITTAL OF BILLS.

On motion of Mr. Verner,

S. 311. To regulate the practice in equity cases in the matter of objection to and consideration of testimony.

Was taken from the Calendar and recommitted to the Standing Committee on Judiciary.

On motion of Mr. Kilborn

H. 330. To change and define the boundary line of St. Clair County, Alabama, between said county and the County of Jefferson.

Was recommitted to the Standing Committee on Judiciary.

On motion of Mr. Culver

H. 667. To make appropriations to the State Normal School for white teachers, at Daphne, Alabama, was recommitted to the Standing Committee on Ways, Means and Appropriations.

BILLS ON THIRD READING.

H. 603 (with amendment). To authorize courts of county commissioners and boards of revenue in the several counties of this State to deposit any funds arising from any special tax levied to pay bonds, which are in excess of amounts then payable on said bonds, to deposit them in some solvent savings bank in the State of Alabama in the name of the county, or to invest the same in interest bearing securities issued by the United States government or by the State of Alabama.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Revision of Laws, said Committee amendment being as follows:

"Amend the last sentence of said bill so that the same will read as follows:" The interest accruing on such deposit or from such securities shall be a part of such special fund, and shall be devoted to the same uses as the principal of said fund.

And the amendment was adopted.

Yeas, 85; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	LeMaistre	Sanders (Conecuh)
Adams	Forman	Letson	Sanders (Pike)
Adcock	Glover	Long	Sessions
Arrington	Goode	Love	Smith (Clay)
Ashcraft (Fayette)	Goodwyn	Luck	Smith (Lee)
Ashcraft (Lauderdale)	Grove	McDaniel	Snodgrass
Blackwell	Guy	McGowen	Sollie
Bowen, L. K.	Hampton	Melton	Stewart (Bibb)
Boykin	Hatter	Moxley	Stewart (Calhoun)
Burns	Hawkins	Nichols	Thompson (Etowah)
Burton	Henley	Norman	Thompson (Jackson)
Byars	Henson	Odom	Tiller
Calloway	Hodgson	Parker	Tunstall
Christian	Holcombe	Patterson	Verner
Coleman	Hornsby	Poole	Walker
Cook	Howard	Posey	Wall
Culver	Howze	Powell	Walton
Deloney	Jones	Ringer	Ware
Dickinson	Kilborn	Rives	Williams
Dowdle	Kilpatrick	Rountree	Wyatt
Embry	Lee	St. John	Young
Fanning			

And the bill,

H. 603. To authorize courts of county commissioners and boards of revenue in the several counties of this State to deposit

any funds arising from any special tax levied to pay bonds, which are in excess of amounts then payable on said bonds, to deposit them in some solvent savings bank in the State of Alabama in the name of the county, or to invest the same in interest bearing securities issued by the United States government or by the State of Alabama.

As amended, was read a third time at length and passed.

Yeas, 68; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Letson	Smith (Clay)
Adams	Gaines	Long	Snodgrass
Adcock	Glenn	Love	Sollie
Arrington	Goode	McDaniel	Stewart (Bibb)
Bowen, L. K.	Goodwyn	McGowen	Stewart (Calhoun)
Boykin	Grove	Nichols	Thompson (Etowah)
Burton	Guy	Norman	Thompson (Jackson)
Byars	Hampton	Odom	Tiller
Christian	Hatter	Parker	Tunstall
Coleman	Henley	Patterson	Verner
Cook	Henson	Pickens	Walker
Culver	Hodgson	Poole	Wall
Deloney	Hornsby	Ringer	Walton
Dowdle	Howard	Rountree	Ware
Dunwoody	Jones	St. John	Williams
Embry	Kilpatrick	Sanders (Conecuh)	Wyatt
Fanning	Lee	Sanders (Pike)	Young

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H. 395. To authorize the Attorney-General of Alabama to carry into effect the provisions of an act entitled an act donating a section of land to Emma Johnson, a widow, formerly Emma Samson, in consideration of Public Service. Approved February 10, 1899.

Was read a third time at length and passed.

Yeas, 68; nays, 4.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Henley	Melton
Adams	Dunwoody	Hodgson	Moxley
Adcock	Embry	Holcombe	Nichols
Ashcraft (Lauderda)	Fanning	Hornsby	Norman
Blackwell	Ferrell	Howard	Odom
Bowen, L. K.	Fite	Hubbard	Parker
Boykin	Gaines	Jeter	Patterson
Burns	Glenn	Jones	Pickens
Byars	Glover	Kilpatrick	Poole
Coleman	Goode	LeMajstre	Posey
Cook	Goodwyn	Letson	Ringer
Culver	Grove	Luck	Rountree
Deloney	Guy	McDaniel	St. John
Dickinson	Hampton	McGowen	Sanders (Conecuh)

Smith (Clay)	Stewart (Calhoun)	Tiller	Ware
Snodgrass	Thompson (Etowah)	Verner	Williams
Stewart (Bibb)	Thompson (Jackson)	Wall	Young

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Nays:

Messrs:

Burton

Calloway

Henson

Walker

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has receded from its amendment to the resolution:

H. J. R. 127. Relative to adjournment of the two Houses until Tuesday at 2 o'clock.

And returns said resolution to the House.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same.

Delivered to Governor August 24, 1923, at 12:35 P. M.

H. 339.

Also:

H. 26.

Also:

H. 399.

Also:

H. 504.

Also:

H. 350.

Also:

H. 302.

Also:

H. 25.

Also:

H. 540.

Also:

H. 502.

Also:

H. 305.

Also:

H. 297.

Also:

H. 457.

Also:

H. 463.

Also:

H. 516.

Also:

H. 488.

Also:

H. 472.

J. H. Stewart,
Clerk.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 620. To vacate the charter of the city of Albany, Alabama.

Also:

H. 621. To alter or rearrange the boundaries of the city of Decatur, Alabama.

Also:

H. 622. To create a board of education for the enlarged territory of the city of Decatur, Alabama.

Also:

H. 623. To provide a form of government for the city of Decatur, Alabama, and to prescribe the powers and duties of temporary board of commissioners, pending a change in the form of government from a city with a population under six thousand, to a city of a population of six thousand or more.

Also:

H. 624. Requiring the city of Decatur to assume all liabilities of every kind whatsoever outstanding against the city of Albany, and vesting in the city of Decatur all property of every kind whatsoever, owned by the city of Albany, and conferring upon the city of Decatur the right to defend all actions against the city of Albany, and to prosecute all suits pending in the name of the city of Albany, and to carry out street improvements or other public improvements already begun by the city of Albany.

Also:

H. 500. For the relief of J. P. Hanks and to appropriate for the said J. P. Hanks, the sum of four hundred and thirty-two (\$432.00) dollars, for services rendered by him as clerk or secretary of the Alabama Public Service Commission.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has reconsidered the vote by which it passed on the Thirty-Fourth Legislative Day, the bill:

H. 639. To provide for the establishment, conduct, development, equipment, improvement, and maintenance by cities having a population of one hundred thousand or more according to the last or any subsequent Federal census, of parks, park areas, park boulevards, playgrounds, park and playground systems, recreation centers, and other recreational facilities and activities; to define the powers and duties of such cities and their governing bodies in connection with all such matters; and to create a park and recreation board in all such cities, provide for the selection, terms of office, removal from office, qualifications and duties of the members thereof, and to define the powers of such board.

And has also reconsidered the vote by which said bill was ordered to an engrossment and third reading, and has replaced said bill on the Senate Calendar.

And the Senate requests the return of said bill to the Senate.

J. E. Speight,
Secretary.

SENATE MESSAGE.

Mr. Lewis Bowen moved that the House refuse to accede to the request of the Senate for the return of H. 639 to the Senate.

Pending the further consideration of the motion of Mr. Lewis Bowen, on motion of Mr. Long, the House, under a Joint Resolution heretofore adopted, adjourned until Tuesday, July 28th, at 2 o'clock P. M.

THIRTY-SEVENTH DAY.

House of Representatives,
Monday, August 28th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Bealle of the House.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Mr. Speaker	Ferrell	Kilpatrick	St. John
Adams	Fite	Lee	Sanders (Conecuh)
Adcock	Forman	LeMaistre	Sanders (Pike)
Allen	Gaines	Letson	Sessions
Arrington	Glover	Long	Smith (Clay)
Bealle	Goode	Love	Smith (Jefferson)
Blackwell	Goodwyn	Luck	Smith (Lee)
Bowen, Lewis	Graves	McDaniel	Snodgrass
Bowen, L. K.	Grove	McGowen	Sollie
Boykin	Guy	Melton	Stewart (Bibb)
Burns	Hall	Mooneyham	Stewart (Calhoun)
Burton	Hampton	Moorer	Thompson (Jackson)
Byars	Hatter	Moxley	Tiller
Calloway	Hawkins	Nichols	Tunstall
Cato	Henley	Norman	Tyson
Christian	Henson	Odom	Varnier
Coleman	Hodgson	Parker	Verner
Cook	Holcombe	Patterson	Walker
Culver	Hornsby	Pickens	Wall
Deloney	Howard	Poole	Walton
Dickinson	Howze	Posey	Ware
Dowdle	Hubbard	Powell	Mrs. Wilkins
Dunwoody	Jeter	Ringer	Williams
Embry	Jones	Rives	Wyatt
Fanning	Kilborn	Rountree	Young

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A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Thirty-Sixth Legislative Day, and finds same correct.

O. W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Thirty-Sixth Legislative Day was approved.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted to Mr. Rutherford on account of sickness. To Messrs. Ashcraft of Fayette, Ashcraft of Lauderdale, Elliott, Glenn.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker :

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit :

H. 192. To regulate the sale, giving away, or other disposition of drugs, medicines, or poisons in this State, and to provide for the creation of a Board of Pharmacy for service in connection with such sale, giving away, or other disposition.

Also :

H. 201. To provide for the care, use and investment of State sinking funds for the payment of State bonds or other State obligations.

Also :

H. 395. To authorize the Attorney-General of Alabama to carry into effect the provisions of an act entitled an act donating a section of land to Emma Johnson, a widow, formerly Emma Samson, in consideration of Public Service. Approved February 10, 1899.

Also :

H. 603. To authorize courts of county commissioners and boards of revenue in the several counties of this State to deposit any funds arising from any special tax levied to pay bonds, which are in excess of amounts then payable on said bonds, to ~~deposit them in some solvent savings bank in the State of Alabama in the name of the county, or to invest the same in interest~~ bearing securities issued by the United States government or by the State of Alabama.

Lee Glenn,
Chairman.

The report of the Committee was concurred in and adopted.

The following resolutions were introduced :

By Mr. Dickinson :

H. R. 130. Be it resolved by the House, that House Bill No. 338, a bill to be entitled An Act, to create the office of Super-

numerary Judge for the State of Alabama, to define his duties and jurisdiction, to provide for the holding of courts in the various counties of the State by the said Supernumerary Judge, to provide for the election of said Judge, to fix his term of office and to provide for his salary and actual expenses, be made a special and pending order immediately after the call of counties for the introduction of bills and report from Standing Committees, on the 38th Legislative Day.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Poole:

H. R. 131. Resolved that H. B. 582, To protect the title of Motor Vehicles within this State, be made a special order for the Thirty-Eighth Legislative Day immediately after reports of Standing Committees.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Rountree:

H. J. R. 132. Whereas: The Alabama Department, American Legion, is meeting this week in Convention at Mobile; and

Whereas, The Legislature of the State of Alabama, as the Representative Body of the people of the State of Alabama, wishes to again convey its appreciation of the past glorious deeds of the World War Veterans; its confidence in the aims and ideals of the American Legion; and its belief in the Legion as one of the strongest forces for good in the State and Nation;

Therefore: Be it resolved by the House, the Senate concurring, That the Governor be requested to send greetings from the State of Alabama to the Alabama Legionnaires assembled in Convention at Mobile, together with a copy of this Resolution.

And the rules were suspended and the resolution was adopted. By Mr. Culver:

H. R. 133. Resolved that S. 172, To amend an Act approved October 31, 1921, entitled an act to provide further for the construction, repair, and maintenance of the public roads, bridges and highways in this State, be made a special, paramount continuing order for Wednesday, August 29th, 1923, immediately after reports of Standing Committees.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Byars:

H. R. 134. Resolved that H. 222, To amend sections 1, 4 and 7 of "An Act to regulate elections; to provide for the registration of electors and the preparation and furnishing of a list of qualified electors to the election inspectors," approved October 2, 1920, be made a special paramount and continuing order

for the 38th Legislative Day immediately after reports of Standing Committees or immediately after disposition of special orders heretofore made.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Kilborn:

H. J. R. 135. Whereas, the Hon. James J. Davis, the friend of homeless childhood, the founder of Mooseheart, now Secretary of Labor of the United States, will on Monday, September 3, 1923, visit the City of Birmingham, thus affording the Legislature of Alabama the opportunity to hear one of the Nation's foremost and best loved men;

Now therefore be it resolved by the House, the Senate concurring, that Mr. Davis be and he is hereby invited on his forthcoming visit, to journey to Montgomery and to address the two Houses in joint session upon such subject as he may choose and at his convenience:

Be it further resolved that a Committee of five be appointed, two by the President of the Senate and three by the Speaker of the House, to transmit a copy of this resolution to Mr. Davis and to make all necessary arrangements for his visit.

And the rules were suspended and the resolution was adopted.

By Mr. Hodgson:

H. J. R. 136. Whereas, the Budget Committee has made provision for funds to continue the development of the State Normal School at Daphne, Baldwin County, Ala.

And whereas the Legislature of Alabama in 1919 by statute enacted, placed said Normal School at Daphne on a class A basis.

And whereas, it is the sense of this Legislature that educational justice to the great southwest section of the State demands immediate steps be taken to insure the opening of the institution in September.

Therefore be it resolved by the House, the Senate concurring, that the State Board of Education take steps immediately, First for the selection of a president and faculty for said school for the coming session. Second, for the prescribing of a Class A course of study for said school for the present session.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Gaines:

H. R. 137. Be it resolved that S. B. No. 337 to amend section 5534 of the Code of Alabama (relating to certain concentration and special contract rates) be made a special order for 38th Legislative Day.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Culver:

H. J. R. 138. Whereas, the Revenue Bill as now enacted into law, is recognized as being probably inadequate to raise sufficient funds to meet the necessary expenses of the State, county and city governments of this State,

And whereas, it is desirable that an adequate bill should be drawn and enacted into law as soon as practicable, if said enacted revenue bill is found in the judgment of the Governor, to be inadequate to meet such necessary expenses;

Therefore, be it resolved by the House of Representatives, the Senate concurring, that the Governor be and he is hereby empowered, to appoint a Commission, consisting of three members of the House and two members of the Senate, who shall act together with the Chairman of the State Tax Commission, to investigate the question of taxation in this State, and who shall formulate as early as practicable a system of taxation, which, in their judgment shall be adequate to meet such necessary expenses, which system, so formulated, may be considered at an adjourned session of the Legislature, should there be an adjourned session, and, if there be no adjourned session, then at a special session of the Legislature to be called by the Governor, at any time within his discretion. Such Commission is hereby empowered to employ such experts as it may deem desirable in making such investigation and formulating such system.

And the resolution was referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committee as follows:

By Mr. Long:

H. 816. To amend Sections ten, eleven, and eleven and one-half of an Act entitled "An Act in reference to and to further provide for the general revenue of the State of Alabama, approved August 22nd, 1923."

Ways, Means and Appropriations.

By Mr. Walton (with notice and proof):

H. 817. To place Warner Meadows Blakely on the pension roll of the State of Alabama.

Pensions and Soldiers' Home.

Notice and proof H. 817:

NOTICE.

Notice is hereby given that there will be introduced at the present session of the Legislature of Alabama a bill placing Warner Meadows Blakely on the Confederate pension list according to the laws of Alabama.

Will O. Walton.

D. G. O'Neal, bookkeeper for the LaFayette Sun, LaFayette, Ala., being duly sworn, deposes and says that the attached Notice was published in the LaFayette Sun for four consecutive weeks, dates August 2, 9, 16, 23.

(Signed) Daniel G. O'Neal.

Sworn to and subscribed before me this 27th day of August, 1923.

Will O. Walton,
Notary Public.

By Mr. Cato (with notice and proof) :

H. 818. To regulate fine and forfeiture fund of Barbour County, Alabama, to require the register of claims against said fund, and same to be presented to the Clerk of the Board of Revenue and payment of claims once each year against said fund and to regulate registration of such claims and to transfer any surplus to the credit of said funds to the general or road fund of said County as may be directed by the Board of Revenue. To require all persons or officers of the County whose duty it shall be to collect revenues and money belonging to Barbour County to forward to the Clerk of the Board of Revenue a statement of all monies collected and to what fund deposited and showing the amount of money so deposited in the depository of the County and from what source the same was collected.

Local Legislation.

Notice and proof H. 818:

Notice is hereby given that the following will be introduced in the Legislature, present session, for passage:

AN ACT.

To regulate fine and forfeiture fund of Barbour County, Alabama; to require the registered claims against said fund, and same to be presented to the Clerk of the Board of Revenue and payment of claims once each year against said fund and to regulate registration of such claims and to transfer any surplus to the credit of said fund to the general or road fund of said County as may be directed by the Board of Revenue; to require all persons or officers of the county whose duty it shall be to collect revenues and money belonging to Barbour County to forward to the Clerk of the Board of Revenue a statement of all monies collected and to what fund deposited and showing the amount of money so deposited in the depository of the County and from what source the same was collected.

~~Be it enacted by the Legislature of Alabama:~~

Section 1. That it shall be the duty of the Clerk of the Board of Revenue of Barbour County, Alabama, to provide a book for the registration of claims against the fine and forfeiture fund of said county, and all claims against the fine and forfeiture fund of said County shall be presented for registration in said book to the Clerk of the Board of Revenue of said County by the holder thereof, and all persons, including County officers, who hold fine and forfeiture claims against the County shall, not later than the first day of January after the passage of this Act and the first day of January each year thereafter file said claims with the Clerk of the Board of Revenue for payment and the claims so filed and presented for payment against said fund shall be audited and allowed or disallowed by the Board of Revenue of said County, not later than the first day of

February following, and the amount to the credit of said fine and forfeiture fund if insufficient to pay said claims in full be prorated and distributed pro rata among the holders of such claims against said fund, which are allowed by the Board of Revenue, and no claim shall be paid unless the same has been properly registered with the Clerk of the Board of Revenue and presented to the Clerk of the Board of Revenue for payment in accordance with the requirements of this Act, on or before the first day of January after the passage of this Act, and the first day of January each year thereafter; provided that in the event there is a surplus to the credit of the fine and forfeiture fund of said County over and above an amount sufficient to pay in full all claims properly registered, presented and allowed against same, as herein required, that then and in that event the Board of Revenue shall have the right, and it shall be their duty to pass such surplus to the credit of the general fund or the road fund of said County, and all claims for said year not so registered and presented for payment and allowed by the Board of Revenue shall be forever barred.

Section 2. No claim against the fine and forfeiture fund shall be paid except at the end of each year ending the first day of January next after the passage and approval of this Act and of each year thereafter and within the period fixed in Section One of this Act.

Section 3. From and after the passage of this Act, it shall be the duty of all officers of the County who collect revenues and funds belonging to the County, and they are hereby required to file a statement of the amount collected by them, from what source the same is collected, and where deposited and to what fund of the County deposited and the date of deposit, and said persons and officers of said County who collect such funds and monies shall file said statement once each thirty days, provided any such monies or funds are collected during such period.

Section 4. Any person or officer who fails or refuses to comply with the terms of Section Three of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$500.00 and any lesser sum that may seem proper and just to the Judge or jury trying the same.

Section 5. That this Act shall take effect immediately upon its passage and approval.

Section 6. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

State of Alabama, }
Barbour County. }

Before me, Lillian Tyson, a Notary Public in and for said State and County, personally appeared T. F. Pruett, who being by me first duly sworn deposes and says on oath, that he is the editor of the Eufaula Daily Citizen, a newspaper published in the City of Eufaula, Barbour County, Alabama, that the notice of the proposed Local Bill and intention to apply for the passage of said Local Bill by the Legislature of Alabama, now in session, which is hereto attached and made a part of this affidavit, was published once a week for four consecutive weeks in the said Eufaula Daily Citizen, a newspaper published in the City of Eufaula, Barbour County, Alabama, beginning with the issue of the 24th day of July, 1923.

And affiant further states that said Local Bill has to do and affects matters pertaining to and situated in the said County of Barbour, State of Alabama.

T. F. Pruett.

Sworn to and subscribed before me, this the 25th day of August, 1923.

Lillian Tyson,
Notary Public.

By Mr. Cato (with notice and proof) :

H. 819. To provide for the payment of funds out of the County Treasury and to prohibit the drawing of warrants by any officer except the President of the Board of Revenue of Barbour County and to prohibit the payment of warrants drawn against the funds of said County, except when such warrants are drawn by the President of the Board of Revenue of Barbour County, Alabama, attested by the Clerk of the Board, and to give authority to the Board of Revenue of Barbour County, Alabama, to fix the compensation of the Clerk or the Board of Revenue, provide for the payment thereof; and to repeal all laws in conflict with this Act.

Local Legislation.

Notice and proof H. 819:

Notice is hereby given of the following proposed local act for Barbour County, Alabama, to be introduced in the Legislature of Alabama:

AN ACT.

To provide for the payment of funds out of the County Treasury or Depository and to prohibit the drawing of warrants by any officer except the President of the Board of Revenue of Barbour County and to prohibit the payment of warrants against the funds of said county except when drawn by the President of the Board of Revenue of Barbour County, Alabama, attested by the Clerk of the Board and to give authority to the Board of Revenue of Barbour County, Alabama, to fix the compensation of the Clerk of the Board of Revenue, provide for the payment thereof; and to repeal all laws in conflict with this Act.

Be it enacted by the Legislature of Alabama as follows:

Section 1. That from and after the passage of this Act it shall be unlawful for any officer of the County to draw warrants on the funds of Barbour County, except the President of the Board of Revenue of said county, and the Treasury or depository of said County is hereby prohibited from paying the same unless said warrants are drawn as provided by this Act; provided that all warrants from and after the passage of this Act for the payment of all claims against said County shall be drawn by the President of the Board of Revenue of Barbour County, Alabama, and shall be signed by him and attested by the Clerk of the Board of Revenue and the same shall be drawn only for the payment of claims authorized by law when the same have been properly presented to the Board of Revenue of said County and allowed by said Board of Revenue.

Section 2. That the Clerk of the Board of Revenue of Barbour County, Alabama, shall receive such compensation as the Board of Revenue may fix and they shall have the right and power to fix such compensation at what they deem it right and proper for the services to be rendered.

Section 3. That this Act shall take effect immediately upon its passage and approval.

Section 4. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

State of Alabama, }
Barbour County. }

Before me, Lillian Tyson, a Notary Public in and for said State and County, personally appeared T. F. Pruett, who being by me first duly sworn

deposes and says on oath, that he is the editor of the Eufaula Daily Citizen, a newspaper published in the City of Eufaula, Barbour County, Alabama, that the notice of the proposed Local Act and intention to apply for the passage of said Local Bill by the Legislature of Alabama, now in session, which is hereto attached and made a part of this affidavit, was published once a week for four consecutive weeks in the said Eufaula Daily Citizen, a newspaper published in the City of Eufaula, Barbour County, Alabama, beginning with the issue of the 21st day of July, 1923.

And affiant further states that said Local Bill has to do and affects matters pertaining to and situated in the said County of Barbour, State of Alabama.

T. F. Pruett.

Sworn to and subscribed before me, this the 25th day of August, 1923.

Lillian Tyson,

Notary Public, Barbour County, Alabama.

By Mr. Cato (with notice and proof):

H. 820. To prohibit the payment of certain expenses of the School Superintendent and officers of School Boards of the County out of the general funds of the County, and to provide for the payment of the operations of schools and calling of elections for school purposes out of the school funds of the County. To regulate the drawing of warrants against the funds of the County and to prohibit the payment of warrants not drawn in accordance with this Act.

Local Legislation.

Notice and proof H. 820:

Notice is hereby given of the following proposal local act for Barbour County, Alabama, to be introduced in the Legislature of Alabama:

AN ACT.

To regulate the collection of certain revenues of the County and the payment to the proper officer of the County and to prohibit the payment of certain expenses of the School Superintendent and officers of School Boards out of the general funds of the County and to provide for the payment of the operations of schools and calling of elections for school purposes out of the school funds of the county. To regulate the drawing of warrants against the funds of the County and to prohibit the payment of warrants not drawn in accordance with this Act.

Be it enacted by the Legislature of Alabama as follows:

Section 1. That all expenses of the Superintendent of Education of Barbour County and the Board of Education of Barbour County, also all expenses for stationery, stamps, and other materials required to be furnished to them and all the expenses of local school elections for school taxes in said County shall be paid out of the school funds of said County as the other expenses for school purposes are paid, and the payment of claims against the County for such expenses be and the same are hereby prohibited to be paid out of the general funds of the County, and the said Board of Revenue of said County is hereby prohibited from paying such claims out of the funds of the County in their charge.

Section 2. That this act shall take effect immediately upon its passage and approval.

Section 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

State of Alabama, }
Barbour County. }

Before me, Lillian Tyson, a Notary Public in and for said State and County, personally appeared T. F. Pruett, who being by me first duly sworn deposes and says on oath, that he is the editor of the Eufaula Daily Citizen, a newspaper published in the City of Eufaula, Barbour County, Alabama, that the notice of the proposed Local Act and intention to apply for the passage of said Local Bill by the Legislature of Alabama now in session, which is hereto attached and made a part of this affidavit was published once a week for four consecutive weeks in the said Eufaula Daily Citizen, a newspaper published in the City of Eufaula, Barbour County, Alabama, beginning with the issue of the 21st day of July, 1923.

And affiant further states that said Local Bill has to do and affects matters pertaining to and situated in the said County of Barbour, State of Alabama.

T. F. Pruett.

Sworn to and subscribed before me this the 25th day of August, 1923.

Lillian Tyson,
Notary Public.

By Mr. Cato (with notice and proof) :

H. 821. To provide for the establishment, discontinuance, construction and working and maintenance of the public roads and bridges of Barbour County, Alabama, to define the duties and powers of the Board of Revenue of said County with a regard to the same, to authorize the Board of Revenue of said County to adopt a vehicle tax in said County and to adopt and prescribe a per capita road tax in said County and to give to the Board of Revenue legislative powers in regard to roads a vehicle tax and per capita tax for the road purposes in said County and to fix penalties for violations of the rules, regulations and laws of the Board of Revenue of said County.

Local Legislation.

Notice and proof H. 821:

Notice is hereby given of the following proposal local act for Barbour County, Alabama, to be introduced in the Legislature of Alabama:

AN ACT.

To provide for the establishment, discontinuance, construction and working and maintenance of the public roads and bridges of Barbour County, Alabama, to define the duties and powers of the Board of Revenue of said County with regard to the same, to authorize the Board of Revenue of said County to adopt a vehicle tax in said County and to adopt and prescribe a per capita road tax in said County and to give to the Board of Revenue legislative powers in regard to roads, a vehicle tax and per capita tax for the road purposes in said county and to fix penalties for the violation of the rules, regulations and laws of the Board of Revenue of said county.

Be it enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue of Barbour County, Alabama, be and the same is hereby invested with a general superintendence of the public roads and bridges within said county and may establish new and discontinue old roads and bridges in said County so as to render travel over the same safe and convenient. And the said Board of Revenue of said County be and they are hereby invested with authority to promulgate rules and regulations for the working and maintenance of said roads and are hereby invested with authority to promulgate and ordain a per capita road tax in said County for road purposes and a vehicle tax in said county for road purposes. To this end, the said Board of Revenue of Barbour County, Alabama, are hereby given legislative, judicial and executive powers except as limited herein and except as prohibited by the general laws of the State of Alabama. The Board of Revenue of Barbour County, Alabama, is and shall be a Court of unlimited jurisdiction and powers as to the construction, maintenance and improvement of the public roads and bridges of said county, except as is prohibited by the laws of the State of Alabama. The said Board of Revenue of Barbour County may and is hereby given the power and authority to promulgate and enforce rules and regulations, make and enter into such contracts as may be necessary or advisable by such Board of Revenue to build, construct, make, improve, and maintain a good system of public roads and bridges in said county and to regulate the use thereof; but no contract for the construction or repair for any public road or bridge shall be made when the payment of the contract price for such work shall be extended over a period of more than ten years. Provided, however, that nothing in this Act shall be construed to authorize the Board of Revenue to promulgate or enforce laws or regulations which are prohibited by the laws of the State of Alabama.

Section 2. That the Board of Revenue of said County are hereby given the right of eminent domain for the purpose of establishing and changing of public roads and bridges in said County and the procedure therefor shall be the same as is provided by the general law of Alabama in the Code of 1907.

Section 3. That all women and all men under the age of eighteen and over the age of forty-five years; all persons who have lost an arm or leg; and all persons who by nature or disease are rendered incapable of hard labor who shall secure certificate of such incapacity from the County Board of Health shall be exempt from working on the public roads of said county; provided, if there shall be no County Board of Health the said certificate of such incapacity shall be secured from at least two reputable physicians.

Section 4. That any contractor approved by the Board of Revenue to construct, maintain or improve public roads, bridges, culverts, and drains and etc., before entering upon the discharge of his duties or before receiving pay therefor must execute a bond payable to the County and to be approved by the President of the Board of Revenue in an amount not less than the amount to be received by him for such work, conditioned upon the faithful performance of his contract and the discharge of his duties thereunder: Provided that the contract exceeds \$100.00.

Section 5. That the convicts of said County of Barbour may in the discretion of the Board of Revenue be worked upon the public roads and bridges of said County under the directions of the Board of Revenue or said convicts may be hired out under the regulations of the State, and the proceeds therefor shall be used for road purposes and the Board of Revenue of said County shall provide such rules and regulations in the event said convicts are worked on the public roads not inconsistent with the general law of the State of Alabama.

Section 6. That no contract where the estimated cost of the work shall exceed \$500.00 shall be made, except after two weeks advertisement in some newspaper published in the County describing the character of the work to be done and the time and place of letting the contract, and then only to the lowest reasonable and responsible bidder, and the contractor for such work shall enter into bond in double the amount of such bid, conditioned upon the proper performance of said contract according to the plans and specifications and within the time prescribed by the Board of Revenue, which bond shall be approved by the president of the Board of Revenue; provided further, that the Board of Revenue shall have the right to reject any or all bids. Provided, however, that in any emergency the Board of Revenue may contract for the repair or rebuilding of such bridge or road or any part thereof without advertisement if the public good requires it.

Section 7. That the Board of Revenue may levy and collect within the limits herein provided and not contrary to the prohibitions of the general laws of the State of Alabama a per capita road tax and provide method of collecting the same and may accept as per capita road tax money compensation in lieu of work to be fixed by the Board of Revenue and not to exceed \$10.00 per annum for those liable for road duty in lieu of the labor required by law upon public roads, and may provide for the time and manner of payment of the same provided no person subject to road duty under this Act shall be liable to work for more than ten days in any one year. The money arising from said per capita road tax shall be used exclusively for maintenance and improvement of the public roads and bridges of said County under the orders of the Board of Revenue.

Section 8. Provided that nothing in this bill shall prohibit women convicts from cooking and preparing meals or any other light duties for road crews composed of convicts.

Section 9. That the rules and regulations passed, adopted and promulgated by the Board of Revenue fixing the per capita road tax and the manner of working and maintaining the roads and bridges of said County and fixing a vehicle tax and the manner and method of collecting the same shall upon the passage and adoption of the same be published by the Board of Revenue, and the said Board of Revenue shall and are hereby given the right to change the same from time to time as they see fit and the changes shall be published as the same are passed or adopted.

Section 10. That it shall be unlawful for any person, firm or corporation to violate any rule, regulation or law which may be adopted or promulgated by the Board of Revenue of said County under the authority conferred by this Act relating to the use, control, care, operation, maintenance of any public road or bridge, or relating to the working of said roads or collection of the per capita road tax or the enforcement and collection of said vehicle tax, and any person, firm or corporation violating the same shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$300.00 and may also be sentenced to hard labor for the County for not more than ninety days, either or both, and each violation shall be and constitute a separate offense.

Section 11. That if any clause, provision or Section of this Act is declared as unconstitutional or invalid that it shall not invalidate or affect any other clause, provision or Section, which is not in and of itself invalid or unconstitutional.

Section 12. That this Act shall take effect immediately upon its passage and approval.

Section 13. That any laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

State of Alabama, }
 Barbour County. }

Before me, Lillian Tyson, a Notary Public in and for said State and County, personally appeared T. F. Pruett, who being by me first duly sworn deposes and says on oath, that he is the editor of the Eufaula Daily Citizen, a newspaper published in the City of Eufaula, Barbour County, Alabama, that the notice of the proposed Local Act and intention to apply for the passage of said Local Bill by the Legislature of Alabama now in session, which is hereto attached and made a part of this affidavit was published once a week for four consecutive weeks in the said Eufaula Daily Citizen, a newspaper published in the City of Eufaula, Barbour County, Alabama, beginning with the issue of the 21st day of July, 1923.

And affiant further states that said Local Bill has to do and affects matters pertaining to and situated in the said County of Barbour, State of Alabama.

T. F. Pruett.

Sworn to and subscribed before me this the 25th day of August, 1923.

Lillian Tyson,

Notary Public, Barbour County, Alabama.

By Mr. Boykin (with notice and proof) :

H. 822. To provide for the election of a county superintendent of education for Clarke County, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for the election of his successor.

Local Legislation.

Notice and proof H. 822:

NOTICE OF LOCAL LAW.

Notice is hereby given that application will be made to the Legislature of Alabama to pass a local law for Clarke County, Alabama, in substance as follows:

A bill to be entitled, An Act to provide for the election of a County Superintendent of Education for Clarke County, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor.

Be it enacted by the Legislature of Alabama:

Section 1. That at the next general election to be held in this state a county superintendent of education for Clarke County, Alabama, shall be elected, who shall hold office for a term of four years and until his successor is elected and qualified, unless sooner removed for good cause, and each four years thereafter, a county superintendent of education for Clarke County, Alabama, shall be elected by the qualified voters of said county at the regular election, nomination for which office may be made at the primary elections as other county officers.

Section 2. That the salary of said county superintendent of education shall be fixed by the county board of education of Clarke County, Alabama, which salary shall not be less than \$1800.00 nor more than \$2400.00 per annum, and which salary shall be paid in the same way and manner as now provided under the general laws of the State of Alabama for the payment of county superintendent of education in the several counties of the state.

Section 3. That said county superintendent of education shall be charged with the same duties and shall exercise the same powers as are now provided by the general school laws of the State of Alabama for the conduct of the office of the county superintendent of education; and no person shall be eligible for the office of county superintendent of education of said county of Clarke who does not hold a first grade or life certificate and who is not a graduate of a standard normal school, or who has not completed courses in other institutions that are equivalent to such education and in addition thereto has had at least three years of successful teaching experience, two of which must have been in the rural public schools of Alabama; that no person shall be eligible to such office who is not a qualified elector of Clarke County, Alabama, at the time of the nomination or election to such office.

Section 4. That in the event of a vacancy in said office for any cause, except removal, such vacancy shall be filled by the county board of education, and the person so appointed shall hold office until the next general election thereafter when his successor shall be elected; that should any county superintendent be removed for cause by the county board of education of Clarke County, such vacancy shall be filled by appointment of the State Superintendent of Education and his appointee shall hold office as in the case provided by appointment of the county board of education. Provided, that the county board of education may remove the county superintendent of education for immorality, misconduct in office, incompetency, or wilful neglect of duty, or when the best interests of the schools require it; any of which causes must be alleged and proved, and the county superintendent shall have the right to be heard in his defense as in cases of impeachment against county officers, and all such hearings shall be before the county board of education and shall be conducted as in cases provided, provided that upon such removal for cause any county superintendent may appeal to the circuit court and have a trial by jury.

Section 5. That the duties and powers prescribed by the general laws of Alabama for the office of county superintendents in the supervision of the schools of the several counties shall apply to and be incumbent upon the county superintendent. The county superintendent elected or appointed under the provisions of this act, before entering upon the duties of said office must take the oath of office prescribed by the Constitution, and give bond in an amount to be fixed by the State Board of Education in a reputable surety company authorized to do business in Alabama, conditioned upon the faithful performance of the duties of his office, and upon the accounting and paying over to the proper authority all moneys coming into his hands.

Section 6. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

State of Alabama,)
Clarke County. }

Before me, Jesse P. Chapman, Notary Public in and for Clarke County, Alabama, personally appeared G. A. Carleton, who being by me first duly sworn deposes and says that he is editor of the Clarke County Democrat, a weekly paper published at Grove Hill in the county of Clarke, State of Alabama; That a Bill to be entitled An Act "To provide for the election of a county superintendent of Education for Clarke county, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for the election of his successor," has been published in said Clarke County Democrat in four successive issues, to-wit: August 2nd, 1923, August 9th, 1923, August

16th, 1923, August 23rd, 1923; that a copy of said Clarke County Democrat containing the last publication of said bill is hereto attached.

G. A. Carleton,

Editor, Clarke County Democrat, Grove Hill, Ala.

Sworn to and subscribed before me this 23rd day of August, 1923.

Jesse P. Chapman,

Notary Public, Clarke County, Ala.

By Mr. Smith of Clay (notice and proof) :

H. 823. To provide for the election of County Superintendent of Education for Clay County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment; to define his qualifications, powers and duties, and to provide for the election of his successor in office.

Local Legislation.

Notice and proof H. 823:

NOTICE.

Notice is hereby given that at the present session of the Legislature of Alabama a bill will be introduced providing for the election of the County Superintendent of Education for Clay County; to be elected by the qualified electors of said County, said election to be held at the General Election in 1924, together with the duties and qualifications of said Superintendent of Education, and which bill shall be substantially as follows:

A bill to be entitled, An Act to provide for the election of County Superintendent of Education for Clay County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment; to define his qualifications, powers and duties, and to provide for the election of his successor in office.

Be it enacted by the Legislature of Alabama:

Section 1. That at the next general election to be held in Clay County, Alabama, in 1924, a County Superintendent of Education for Clay County, Alabama, shall be elected, by the qualified electors of Clay County, Alabama, who shall hold office for a term of four years and until his successor is elected and qualified, unless sooner removed for good cause, and each four years thereafter a County Superintendent of Education for Clay County, Alabama, shall be elected by the qualified electors of said County at the regular general election, nominations for which office may be made in primary elections as other county officers.

Section 2. That the salary of said County Superintendent of Education shall be fixed by the County Board of Education of Clay County, Alabama, which salary shall not be less than \$1800.00 nor more than \$2400.00 per annum, and which salary shall be paid in the same way and manner as now provided under the general laws of the State of Alabama for the payment of County Superintendents of Education in the several counties of the State.

Section 3. That said County Superintendent of Education shall be charged with the same duties and shall exercise the same powers as now are provided by the general school laws of the State of Alabama in the conduct of the office of County Superintendent of Education; and no person shall be eligible for the office of County Superintendent of Education of said County of Clay who is not a graduate of a standard normal school, or who has not completed courses in other institutions that are equivalent to such education or who does not hold a first grade or life certificate and

in addition thereto has had at least three years of successful teaching experience, two years of which must have been in the rural public schools of Alabama; that no person shall be eligible to such office who is not a qualified elector of Clay County, Alabama, at the time of the nomination or election to such office.

Section 4. That in the event of a vacancy in said office for any cause, except removal, such vacancy shall be filled by the County Board of Education, and the person so appointed shall hold office until the next general election thereafter when his successor shall be elected; that should any County Superintendent be removed for cause by the County Board of Education of Clay County, such vacancy shall be filled by appointment of the State Superintendent of Education, and his appointee shall hold office as in the case provided by appointment of the County Board of Education. Provided that the County Board of Education may remove the County Superintendent of Education for immorality, misconduct in office, incompetency, or willful neglect of duty, or when, the best interests of the school require it; any of which causes must be alleged and proved, and the County Superintendent of Education shall have the right to be heard in his defense as in cases of impeachment against county officers, and all hearings shall be before the County Board of Education and shall be conducted as in cases provided under the general laws for the impeachment of county officers, and provided that upon such removal for cause any County Superintendent may appeal to the Circuit Court and have a trial by jury.

Section 5. That the duties and powers prescribe by the general laws of Alabama for the office of County Superintendents in the supervision of the schools of the several counties shall apply to and be incumbent upon the County Superintendent elected or appointed under the provisions of this act, and before entering upon the duties of said office he must take the oath of office prescribed by the Constitution, and give bond in the amount to be fixed by the State Board of Education in a reputable surety company authorized to do business in Alabama, conditioned upon the faithful performance of the duties of his office, and upon the accounting and paying over to the proper authority of all moneys coming into his hands.

Section 6. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

State of Alabama, }
Clay County. }

Before me, E. J. Garrison, Judge of Probate of said County, personally appeared B. W. Sims, who being duly sworn, deposes and says that he is editor and publisher of the Ashland Progress, a newspaper published at Ashland, County of Clay, State of Alabama, and that the notice that at the present session of the Legislature of Alabama a bill will be introduced providing for the election of the County Superintendent of Education for Clay County by the qualified electors of said County, a copy of which is attached hereto, was published in said newspaper once a week for four consecutive weeks, commencing on the 3rd day of August, 1923, and ending on the 24th day of August, 1923, without cost to the State.

B. W. Sims,
Publisher.

Sworn to and subscribed before me this 25th day of August, 1923.

E. J. Garrison,
Judge of Probate.

I hereby certify that the above is a true and correct copy and has been this day compared by me, of a statement sworn to by D. W. Sims as shown above.

Peter A. Brannon,
Notary Public, Montgomery County.

By Mr. Sessions:

H. 824. To authorize Courts of County Commissioners and Boards of Revenue in the several counties of the State to re-district or re-arrange district lines of Commissioners' Districts or districts for election of County Commissioners or members of County Boards of Revenue.

Revision of Laws.

By Mr. Gaines:

H. 825. To provide further for the fixing and regulation of specific class or commodity rates or mileage class or commodity rates and charges of common carriers on any and all commodities.

Commerce and Common Carriers.

By Mr. Howze (By request):

H. 826. To amend an Act "To ratify, confirm, validate and make legal, effective and binding, a certain County warrant issued by Jefferson County, Alabama, at the October 17th, 1921 term of the Board of Revenue, held at Bessemer, in said County, said warrant being dated the 17th day of October, 1921, payable to the City of Bessemer for nineteen thousand six hundred sixty-seven and 65/100 dollars (\$19,667.65), and payable on demand, the said warrant or voucher being signed by Lacey Edmundson, Pro Tem President of said Board of Revenue and attested or countersigned by J. W. Pickens, Clerk, and to require and direct the Treasurer of said Jefferson County, Alabama, to recognize and treat said warrant or Voucher No. 1583, in all things, as the legal and valid warrant or voucher of said Jefferson County, Alabama, and pay same with interest thereon from date. Whereas, on the 22nd day of March, 1921, the Board of Revenue of Jefferson County, Alabama, did adopt a resolution by which it provided for the building of a paved highway through the city of Bessemer, Jefferson County, Alabama, passing by the Court House, and designating the streets and avenues along and over which said highway should be constructed, the actual construction to be done by the City of Bessemer, and the County to pay for the construction of twenty feet in width of said highway, which has been done, and, "Whereas, at the time of the selection of the route for the said highway the said City of Bessemer, was just completing the paving of a part of the route so selected, and the said Board of Revenue of said Jefferson County, did adopt the following as a part and parcel of said resolution, to-wit: "And Whereas, That part of the said route selected for said highway from the A. G. S. Railroad to First Avenue on 19th Street, on First Avenue from 19th to 18th Street, and on 18th Street from First Avenue to the West side of Fifth Avenue, has recently been paved by the said City of Bessemer, with

Warrenite Bitulithic on a five-inch concrete base, and it was tentatively agreed by the former Board of Revenue that the County would pay for twenty feet in width of such paving along the route selected for such highway and make same a part thereof, and we deem it but right and fair that the county should pay for twenty feet in width of such paving already laid along the route of said highway, and thus carry out said tentative agreement: 'Now, Therefore be it further resolved by the Board of Revenue of Jefferson County, Alabama, that the County shall pay to the said City of Bessemer, the cost of twenty feet in width of said paving so constructed on 19th Street, First Avenue, and 18th Street, along the line of said highway; such payment to be made when the contract is completed and pavement is accepted by the said City' and "Whereas, pursuant to said resolution the County Engineer did make an estimate covering the said paving so to be paid for by said County amounting to \$19,667.65, which was submitted to the said Board of Revenue, on said October 17th, 1921, and the aforesaid Warrant or Voucher was drawn and issued to the said City of Bessemer in payment for the said paving, same having been paid for by the said City of Bessemer, and Whereas, the said warrant or voucher was duly presented to Mr. M. V. Henry, Treasurer of said Jefferson County, Alabama, for payment, who declined to pay same, after having submitted the legality thereof to his attorney, who advised him that he could not legally pay same on account of the fact that there was no contract existing between the County and the City, at the time the city let the particular contract for the doing of this part of the work, and Whereas, it is recognized that said warrant or voucher represents a debt that is just and equitable, the only question being the technical invalidity of said warrant or voucher," approved July 27, 1923."

Local Legislation.

By Mr. Howze:

H. 827. To amend subdivision (3) of Section 3481 of the Code of Alabama of 1907.

Revision of Laws.

~~By Mr. L. K. Bowen:~~

H. 828. To provide for the compensation of members of the county Boards of Education in all counties of this State having a population of two hundred thousand (200,000) or more according to the last Federal census or any subsequent Federal census.

Judiciary.

By Mr. Byars:

H. 829. A bill to be entitled An Act to submit to the qualified voters of the state at the general election to be held on the

next regular general election day in November, 1924, for their consideration to amend section 219 of the Constitution of Alabama, so as to read as follows: The Legislature may levy a tax of not more than ten per centum of the value of all estates, real and personal, money, public and private securities, or interest therein, transferred by the intestate laws of this State or by will, deed, grant, bargain, sale or gift, made or intended to take effect in possession after death of the grantor, deviser, or donor, to any person, or persons, bodies politic or corporate, in trust or otherwise, where the value of the estate is greater than \$50,000, or is greater than \$10,000, where the estate does not pass to the father, mother, husband, wife, brothers, sisters, or children of deceased.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, viz: That Section 219 of the Constitution of Alabama be amended to read as follows: The Legislature may levy a tax of not more than ten per centum of the value of all estates, real and personal, money, public and private securities, or interest therein, transferred by the intestate laws of this state, or by will, deed, grant, bargain, sale, or gift, made or intended to take effect in possession after death of the grantor, deviser, or donor, to any person, or persons, bodies politic or corporate, in trust or otherwise, where the value of the estate is greater than \$50,000, or is greater than \$10,000 where the estate does not pass to the father, mother, husband, wife, brothers, sisters or children of deceased.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in all newspapers in every county in the state at least eight successive weeks next preceding the general election in November, 1924, of the election on the amendment proposed by this act to be submitted to the voters of the state for their consideration, together with the proposed amendment.

Section 3. That at the general election in November, 1924, an election shall be held for the vote of the qualified electors of the State upon the proposed amendment. Upon the ballots used at said election shall be printed the following, viz: "Amendment to Constitution," and beneath these words the following: "Shall Section 219 of the Constitution be amended to read as follows: The Legislature may levy a tax of not more than ten per centum of the value of all estates, real and personal, money, public and private securities, or interest therein, transferred by the intestate laws of this State, or by will, deed, grant, bargain,

sale, or gift, made or intended to take effect in possession after death of the grantor, deviser, or donor, to any person, or persons, bodies politic or corporate, in trust or otherwise, where the value of the estate is greater than \$50,000 or is greater than \$10,000 where the estate does not pass to the father, mother, husband, wife, brothers, sisters or children of deceased." Following the proposed amendment on the ballot shall be printed the words "yes" and immediately thereunder the word "no." The choice of the elector shall be indicated by a cross mark made by him, or under his direction, opposite the word expressing his desire.

Section 4. That the officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the election law of the state for the appointment of officers to hold general elections in this State, and the election shall be held in all things in accordance to the law governing general elections, and with the constitutional provisions concerning amendments to that instrument.

Section 5. That the votes cast at said election shall be counted, canvassed and tabulated, and the returns thereof made to the Secretary of State in the same manner as in elections of Representatives to the Legislature, and if it thereupon appear that a majority of the qualified electors who voted at such election on the proposed amendment voted in favor of the same, such amendment shall be valid in all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

The above and foregoing bill, H. 829, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Judiciary.

By Mr. Kilborn:

H. 830. A bill to be entitled an Act to submit to the qualified electors of the State of Alabama, at the general election to be held in November, 1924, for their consideration, an amendment to the Constitution of Alabama for the purpose of authorizing the Legislature to form or provide for the formation of districts for the building, improving or maintaining public roads, establishing and maintaining a drainage system, or building and maintaining a sea wall or other protection against waves, storm or flood therein, and provide for the assessment of the whole or part of the cost of such improvement against the land in such district to the extent of the increased value of said land by reason of the special benefits derived from such improvement, and to provide for the issuance of bonds by such district with or without an election.

Be it enacted by the Legislature of Alabama:

1. That the following amendment to the Constitution of Alabama is proposed to be submitted to the qualified electors of the State for their ratification or rejection at the general election to be held in November, 1924, at which the amendment shall be proposed, to-wit:

Article —. The Legislature may form or provide for the formation of districts for the building, improving or maintaining of public roads; establishing and maintaining a drainage system; or building and maintaining a sea wall or other protection against waves, storm or flood, therein, and provide for the assessment of the whole or part of the cost of such improvement against the land in such district to the extent of the increased value of such land by reason of the special benefits derived from such improvement, and may provide for the issuance of bonds by such district with or without an election.

The above and foregoing bill, H. 830, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Revision of Laws.

By Mr. Holcombe:

H. 831. To amend Section 1 of an act entitled An Act to provide for the appointment of deputy registers and deputy clerks for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputies, approved October 1, 1920.

Judiciary.

By Messrs. Holcombe, Kilborn and Grove (with notice and proof, by request):

H. 832. Creating and establishing the Juvenile Court of Mobile County, defining its powers and jurisdiction and providing for the process and procedure of said court; for the equipment of said court, for the judge and officers of said court, their terms of office and their salaries, and defining their duties, and the payment by the Board of Revenue and Road Commissioners of Mobile County of all premiums that may accrue on account of the bond of the clerk thereof; for the transportation of the probation officers; for the service of process, including warrants, and the fees thereof and the payment of said fees; for the detention of juvenile delinquents; providing for a commission to aid in carrying out the work of the court and prescribing its duties; and providing for appeals from any final order or judgment of said court; making it an offense for any person knowingly and willfully to encourage, aid, abet, cause or connive at a state of delinquency of any child sixteen years of age, or under, or produce, promote, or contribute to the conditions which render any

child delinquent, and providing the punishment therefor; providing for the transfer of certain cases to said Juvenile Court, providing for the support and maintenance in certain cases of delinquent children by the Board of Revenue and Road Commissioners of Mobile County, or by the parents or out of the estates of such children; providing for the apprehension of such children and the commitment of them to any family, association, or institution; for the transportation of such children and the payment of the costs by Mobile County; providing for the commitment of juvenile delinquents to any family, association or institution within or without the state to which they may be, respectively committed, and providing for the payment of the costs thereof by the Board of Revenue and Road Commissioners of Mobile County; providing for payment by the city of Mobile, of one-half of the expenses arising out of the operation of said court; and for the protection of said children against any disqualification or prejudice in any other court, or in the civil service of the state or municipality on account of any judgment or order of said court, or any confession, statement, declaration or admission or silence or demeanor of said juvenile delinquents, or any statement made to any person or officer of the court, and providing for the repeals of certain laws.

Judiciary.

Notice and proof H. 832:

Notice is hereby given that at the present adjourned session of 1923 of the Legislature of Alabama, there will be introduced a bill in substance as follows:

AN ACT.

Creating and establishing the Juvenile Court of Mobile County, defining its powers and jurisdiction, and providing for the process and procedure of said court; for the equipment of said court, for the judge and officers of said court, their terms of office and their salaries, and defining their duties, and the payment by the Board of Revenue and Road Commissioners of Mobile County of all premiums that may accrue on account of the bond of the clerk thereof; for the transportation of the probation officers; ~~for the service of process, including warrants, and the fees therefor~~ and the payment of said fees; for the detention of juvenile delinquents, providing for a commission to aid in carrying out the work of the court and prescribing its duties; and providing for appeals from any final order or judgment of said court; making it an offense for any person knowingly and willfully to encourage, aid, abet, cause or connive at a state of delinquency of any child sixteen years of age, or under, or produce, promote or contribute to the conditions which render any child delinquent, and providing the punishment therefor; providing for the transfer of certain cases to said Juvenile Court, providing for the support and maintenance in certain cases of delinquent children by the Board of Revenue and Road Commissioners of Mobile County, or by the parents or out of the estates of such children: providing for the apprehension of such children and the commitment of them to any family, association or institution; for the trans-

portation of such children and the payment of the costs by Mobile County; providing for the commitment of juvenile delinquents to any family, association or institution within or without the state to which they may be, respectively, committed, and providing for the payment of the costs thereof by the Board of Revenue and Road Commissioners of Mobile County; providing for payment by the City of Mobile of one-half of the expenses arising out of the operation of said court; and for the protection of said children against any disqualification or prejudice in any other court, or in the civil service of the state or municipality on account of any judgment or order of said court, or any confession, statement, declaration or admission or silence or demeanor of said juvenile delinquents, or any statement made to any person, or officer of the court, and providing for the repeals of certain laws.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby established a new court by the name of the Juvenile Court of Mobile County, which shall hold its sitting in the City of Mobile.

Section 2. There is hereby created a Juvenile Court Commission, which shall be composed of seven resident citizens of said county, which shall be chosen from the membership of those institutions in said county which are concerned in the care, education and welfare of youths of both sexes, and who shall serve without compensation. The Board of Commissioners of the City of Mobile shall appoint three members of said Board, who shall hold office at the pleasure of said Board of City Commissioners, and the Board of Revenue and Road Commissioners of Mobile County shall appoint three members of said Juvenile Court Commission, who shall hold office at the pleasure of said Board of Revenue and Road Commissioners. The six members of the Juvenile Court Commission thus appointed shall choose the seventh member of said Juvenile Court Commission, who shall hold office for two years, or until his successor shall be chosen. Women shall be eligible to membership on said Juvenile Court Commission. A majority of the members of said Juvenile Court Commission shall constitute a quorum. Said Commission shall annually choose its president, vice-president, secretary and treasurer, who shall hold office until their respective successors have been elected and qualified.

The secretary shall record its proceedings, and its officers shall perform the usual duties indicated by their titles.

Said Juvenile Court Commission shall perform amongst others the following duties: (A) They shall elect the judge of said court and all paid officers, employees and servants thereof, except the clerk. (B) They shall visit the institutions or persons receiving children under this act so as to keep supervision over them, and advise and co-operate with the judge upon all matters affecting the court, and recommend measures for carrying out the provisions of this act, whenever called on by the judge, or whenever it appears proper or necessary. (C) They shall elect the superintendents, matrons and other employees of the detention homes provided for by local statutes for Mobile County or City, or general laws. (D) And they shall exercise such powers and duties as may be now or hereafter imposed by law, and such as are necessary or proper for performing the functions above stated.

But they shall not any of them preside over the court or be its clerk or other officer except as above stated.

Section 3. Said Juvenile Court within the boundaries of said county shall have original and exclusive jurisdiction over all cases coming within the terms and purview of this act:

It shall adjudicate and determine all cases of children sixteen years of age, or under, provided they are delinquent within the meaning of this act, and of all who contribute to said delinquency as hereinafter set out.

Section 4. Said Juvenile Court shall be presided over by a judge, who must be not under twenty-five years of age, and learned in the law, and shall during his tenure reside in said county, and lose the office on removal of residence therefrom. A vacancy in his office shall be filled by the Juvenile Court Commission.

His term shall be two years and until his successor is elected and qualified. The judge presiding at the time of the approval of this act shall hold office until the expiration of the term for which he was elected.

He may practice law insofar as it does not interfere with his duties as judge, but not in any case or matter that arose in said juvenile court.

His salary shall be fixed by the Juvenile Court Commission, upon his election, at not less than \$200.00 per month, payable in monthly installments out of the treasury of said county. But if said salary should be fixed at more than \$200.00 per month, it shall only become effective when it is approved by the Board of Revenue and Road Commissioners of Mobile County, and the Board of Commissioners of the City of Mobile.

Section 5. There shall be a clerk of the said court, who shall administer oaths, issue process and writs from the court and papers from the judge, file and keep all books, records, papers and other property pertaining to the court; prepare papers for appeals from the court; and perform all other duties in connection with the court or judge as the court or judge may from time to time prescribe or require of him, and he shall be and remain under the supervision and direction of the judge and obey all his instructions.

The clerk shall be appointed by the judge and hold office at the will of the judge appointing him and hold during such judge's tenure. The clerk may be a woman.

The clerk shall be paid a salary of not less than one hundred dollars per month, or at the rate for the time he or she serves, said salary to be fixed subject to approval of Board of Revenue and Road Commissioners and Board of Commissioners of the City of Mobile, provided it exceeds the minimum.

Before entering upon his duties the clerk shall execute bond, with such surety as the judge may prescribe, in a penalty of one thousand dollars, payable to said county with condition to faithfully discharge the duties of clerk during incumbency and to properly account for all money or property that may come into his hands as clerk, and conditioned otherwise as may be prescribed by the judge, who shall approve the bond and deliver it to the county treasurer for safe-keeping. Suits may be brought upon it by any one aggrieved by its breach, until its penalty is exhausted.

All necessary original and renewal premiums on the clerk's bond shall be paid by the county.

~~Section 6. All officers and employes of the court who receive compensation, excepting the judge and clerk, shall hold their places at the will of said juvenile commission.~~

There shall be a chief probation officer, and a colored probation officer who shall be under the supervision of the chief probation officer, and as many others to be determined by the Juvenile Court Commission, but subject to the approval of the said Board of Revenue and Road Commissioners, and said Board of Commissioners of the City of Mobile, as may be necessary or proper, in order to perform the duties made necessary by the business of the court. They may be men or women, and their salaries shall be fixed by the Juvenile Court Commission; subject, however, to the approval of said Board of Revenue and Road Commissioners and said Board of Commissioners of the City of Mobile, and all salaries shall be paid out of the county treasury.

The chief probation officer shall be paid not less than \$100.00 per month, payable in monthly installments out of the treasury of Mobile County, and at the same rate for a fraction of a month of service.

But the judge may on recommendation of the Juvenile Court Commission appoint volunteer probation officers without compensation to perform like duty and with like authority as if they were paid officers.

Section 7. The Revenue and Road Commissioners or whatever name they may be known by of said county shall provide suitable quarters for the use of the juvenile court, and all such fittings and furniture and paraphernalia, books, stationery, cabinet files and equipment, and other facilities, as are reasonably necessary or proper for carrying out the purposes and provisions of this act.

Section 8. The judge shall have authority to devise or adopt and cause to be used all such forms and records, blanks, and stationery, process and writs and petitions, or other documents, as he may deem convenient and proper for transaction of the court's business.

Section 9. The judge shall have power to make and enforce rules and regulations for controlling and governing the officers, employes, and the procedure of the court. And so may the juvenile commission in its sphere, but not in conflict with the judge-made rules.

Section 10. Said juvenile court or judge presiding shall have the power to punish anyone who knowingly refuses or fails to obey or disregards any judgment, order, or rule, of the court, as for a contempt; or punish anyone who knowing opposes, interferes with or obstructs any officer of the court in the performance of duty under this act; or anyone who by acts or omission, conduct or speech, or otherwise, disturbs the judge or court while in session, or any officer of the court, so as to hinder the orderly conduct of its business, and said juvenile court shall have all the powers of the circuit court in contempt matters, and the same penalties in force for the circuit court shall be in force for the juvenile court for contempts.

Section 11. The sheriff, any police officer, marshal, humane officer, or other deputies, holding office in said county, or any probation officer of said juvenile court, shall execute and return writs or process issuing out of said juvenile court, or returnable thereto, preserve order, make arrests, serve notices, and perform the orders and directions of said juvenile court or its judge in the discharge of his powers or duty.

Section 12. When a child within the ages specified in this act for juveniles is arrested and brought before any magistrate, court, or officer, other than said juvenile court, such court, magistrate or officer shall promptly transfer the child and the case and all papers in that connection, to said juvenile court, and all orders proper therefore shall be made, and it shall be the duty of such other court, magistrate or officer, as the case may be, to effectuate such transfer. Whereupon the child and the case shall stand for examination or trial in said juvenile court as in other cases therein, and said child shall be dealt with as if the case had originated in said juvenile court.

Section 13. Whenever a child within said ages is taken in custody under this act, or arrested as for the violation of any law, and it appears to the juvenile court or judge to be advisable or necessary in order to have the child in court, that the child be forcibly detained, then said court or judge may, in his discretion, forcibly detain temporarily said child for safe-keeping, pending the hearing. But a sheriff or jailer, police officer, marshal, or their deputies, shall not imprison the child in the same room with an adult prisoner, or other prisoners.

Section 14. Whenever under the terms of this act a juvenile or other person is committed to jail, it shall be to either the county jail or the city

jail, according to the circumstances, and the officers in charge shall receive such juvenile or other person and keep him safely till removed or discharged by law therefrom. (See 30.)

Section 15. Any person sixteen years of age or under, is a juvenile delinquent under this act:

(A) Who has violated any ordinance of a town or city within said county of Mobile, or any law of the state of Alabama, or (B) who knowingly associates with thieves or vicious or immoral persons, or (C) who begs in the streets or highways or thoroughfares or other public places; or (D) who knowingly enters a house of ill fame; or (E) who knowingly visits or patronizes any policy shop, or any place where any gambling device or gaming is operated or carried on; or (F) who knowingly visits any place where intoxicating liquors are sold or given away, or unlawfully stored, kept or handled; or (G) who knowingly visits a bucket shop; or (H) who knowingly visits a pool room or billiard saloon, or public place where pool or billiards are played; or (I) who wanders in the night time about the streets, highways or thoroughfares, without being on any bona fide lawful business or occupation; or (J) who wanders or loafs about railroad yards or railroad tracks, or jumps or hooks onto any moving or standing street railroad car or dummy line car, or any car or vehicle drawn by motor power, whether the child be riding or afoot, when he so does not as a passenger paying fare and bona fide to ride as a passenger; or (L) who enters without authority any engine or car or whatever kind; or (M) who is a truant from school; or (N) who is guilty of immoral conduct; or (O) who habitually uses vile, obscene, indecent, insulting or profane language, whether in the presence of females or of others; or (P) who is incorrigible; or (Q) who is habitually in dishonorable surroundings; or (R) who is in danger of growing up in crime.

Section 16. All proceedings against juveniles under this act shall be on the theory that the child is a ward of the State, and not a criminal, but rather as misdirected and in need of assistance, kindness, and firmness of control and direction of his ways, and it shall not be treated or deemed a criminal.

The child shall not be denominated a criminal by virtue of any adjudication under this act, nor shall any such adjudication ever be denominated a conviction of the child. The child shall not be a convict hereunder. Adjudications under this act shall not operate to disqualify the juvenile, nor to disqualify after attaining majority, from holding any office, place or position, under any state, or under any municipal or other civil service.

Confessions or admissions of any kind, declarations or statements, made by a juvenile delinquent to said juvenile court or judge, or to any other officer, or to any person, or the child's manner or demeanor, or silence, or answers when accused or questioned, shall not be competent or admissible evidence against the child in any court or proceedings other than in said juvenile court or on appeal from said juvenile court, in investigations or examinations conducted for the child's welfare and in its interest; and other courts shall not admit the same.

The style of the proceeding on the docket of the juvenile and appellate courts shall be "In the Matter of.....a Juvenile."

And all the provisions of this act shall be construed liberally for the effectuation of its beneficent purposes concerning the juvenile.

Section 17. Jurisdiction of the child, having once been acquired by said juvenile court or its predecessor, shall continue in the court during the child's minority, or as limited and controlled by this act, and the duty shall be constant upon the court to give to each child subject to its jurisdiction such oversight and control as to advance the welfare of the child and the interests of the State. So far as practicable and best, the court shall

preferably exercise its supervisory care by retaining juveniles in their own homes, under the supervision of a probation officer, rather than elsewhere; and when the child is committed to a foster home, the family receiving the child must receive it and agree to rear and educate it as a member of the family.

Section 18. Any person knowing, or being informed and having reason to believe, that a juvenile is delinquent within the purview of this act, may file in the court a verified petition briefly setting forth the facts.

Thereupon the court or judge may make or cause to be made by the probation officer of his selection, or some other proper person, an investigation, and may require the child to appear or be brought before the court at a time fixed in the process issued, either a notice to be served upon the parent or parents, guardian, or other trustee of the child of any person obligated by law to its support, or any one standing to it in loco parentis, or anyone, or other having custody or control of the child, commanding the production of the child in court, or the appearance in court of such juvenile, or else a warrant of arrest.

The court shall have power to punish as a contempt the failure or refusal of anyone directed to produce the child in court as required by notice accepted or served.

Upon service accepted of notice, or upon arrest of the child, the judge shall have power to accept a bond, with penalty fixed by him, with sufficient surety, and payable to said county, approved by him, and conditioned that the child shall appear in court at a time to be fixed by the court, and upon its acceptance the child shall be released or left temporarily in some custody for its safe-keeping, so as not to be committed to jail.

On the failure to make or take such bond, the child may be detained, under the order of the court, at a detention home of the county or city of Mobile, or in some institution selected by the judge, or in the custody of some officer or other person designated by the court, or also committed to jail as provided hereinafter, pending the examination or hearing.

Upon breach of the condition of the bond accepted, the court may issue such other process or notice as may appear proper to bring the child in, which shall be executed forthwith; and the court shall have the power to take forfeitures, as in other courts, upon the bond, against the sureties only. And enforce its judgments in that regard as other courts might do.

Section 19. At the time fixed by continuance or otherwise, the court shall proceed to hear and investigate the facts, examining into the circumstances and condition of the child, and the child's surroundings and environment, sufficiently to enable the rendition of proper judgment so as to best subserve the child's welfare and carry out the purposes of this act.

The circuit solicitor or his assistant solicitor shall aid the court when called upon in any proceeding against juveniles, and shall represent the county in all cases appealed from said juvenile court, in the circuit court or appellate court as the case may be, or both.

The juvenile court or circuit court or appellate court may in its discretion specially appoint an attorney-at-law to represent the child's interests in either or all of those courts, and it shall be a duty of such attorney to act in the premises when so appointed, without compensation if the court so require.

Section 20. The court shall have power to put the child on probation, at its own residence, or in a suitable home, or elsewhere, subject to the control of the court and visitation by its officers until discharged from the probation or required the child to report to court or detention home at regular intervals; or may commit the child to some institution within or without the county if it be an institution maintained by the state or any subdivision thereof, or incorporated under the laws of the State, and which

takes care of children; or may commit it to the care of any person, family, corporation, society or association of persons, that cares for children; and under such stipulations, restrictions or conditions, or agreements, as the court may prescribe or require or agree to.

If the child is committed to any institution or other custodian other than of the child's own kin or family, and those obligated for its support or undertaking its support have the means, they may be ordered by the court and required to provide for the child's reasonable support; and in whosoever custody the child is committed, if the child have an estate devotable therefor or sufficient therefor, the court may order and require its support therefrom to be provided by the proper person or official. Or else cause proceedings therefor to be taken and carried out in other proper courts.

If no one obligated by law for its support is able to provide it, or if the child have no estate of sufficient value or devotable therefor, the court may commit the child to some home or school or reformatory in this state that will receive and care for the child.

And if not committed to any other custody, for good reason, the judge of said juvenile court may certify the facts and circumstances to the judge of probate of said county of Mobile, and the child may thereupon be apprenticed under the laws of this State.

And if the judge of probate shall certify to the Board of Revenue and Road Commissioners of said county that no master can be found for the child, so as to apprentice it, then the Board of Revenue and Road Commissioners, in the absence of a support provided otherwise, shall provide the support of such child by payment therefor, out of the county treasury until either a master can be found, or other proper custodian, or the court adjudge the juvenile to be able to make its own living or the juvenile arrive at full age.

Section 21. If the court commit white boy to the Alabama Boys' Industrial School, or a similar institution now or hereafter maintained by the State or any of its subdivisions; or a white girl to the state training school for girls, the Alabama Home of Refuge or the Mercy Home Industrial School, or a similar institution now or hereinafter maintained by the State or any of its subdivisions; or a colored child to the Alabama Reform School for juvenile negro law breakers, or similar institution maintained by the State or any of its subdivisions; such commitment shall be until the child shall be discharged or released by order of said juvenile court, or, if a female, until she reaches the age of eighteen years and marries, and otherwise until the child attains the age of twenty-one years. Such is the maximum limit of commitment in all cases.

Section 22. Said juvenile court shall have power to commit the child to its selected probation officer and direct such officer to place the child in custody of a non-resident person, family, corporation, society, institution, or association of persons, if it appear to be for the child's best welfare. and no better arrangement in its interest appears to the court to be practicable in order to keep the child in this state. The court shall prescribe the conditions and terms upon which the officer shall accept such non-resident custody for the child to the end that the child shall effectually be and remain subject in the hands of the custodian to the control of such officer and his successors in office, with power to enforce removal of the child from such non-resident custody, at the instance of said juvenile court, and so that thus through its officers the court shall retain jurisdiction to effectually control the child and act for its welfare.

Section 23. Any judgment or order of said juvenile court in any proceeding against a juvenile shall be subject to such modification or revision from time to time as said court or the appellate court having jurisdiction shall determine to be the child's interest.

Section 24. The expense of transportation of juveniles committed to any home, society, person, family, corporation, institution or association, other than a member or members of its own family, shall be paid by said county, unless otherwise provided.

Section 25. Within five days after the day of rendition of a final judgment by said juvenile court against the child, an appeal may be taken by the child, or by his next friend, parent, guardian, trustee, or guardian ad litem named by said juvenile court to act for the child, to the circuit court in said county, in their own names.

In no event shall the taking of an appeal release the child from the court's custody and control so as to put it at large, unless an appeal bond be executed by such appellant, payable to said county, in a penalty fixed by the judge, with good and sufficient surety or sureties, approved by the judge, and conditioned that the child shall appear in said circuit court till discharged by due course of law; and the appeal, without bond, shall not suspend the judgment appealed from nor discharge the child from custody of the juvenile court or its officers, or of the institution, person or persons into whose care the child may have been committed, if the juvenile court shall enter an order ascertaining that to suspend the judgment or release the child would endanger the child's welfare and ordering it not suspended or released.

Appeals under this section shall take precedence over all other business of the court to which an appeal is taken.

The circuit court shall try such appeal de novo, and in the discretion of the court said trial may be by the court without a jury and the court shall have the power to render such judgment as said juvenile court should have rendered under this act, or remand the case with instructions.

It shall cause its judgment to be certified down to said juvenile court, which shall make such judgment its own, and enter such further orders from time to time as are proper to carry it out. If the circuit court does not dismiss the cause or discharge the child from custody, it shall remand the child to the jurisdiction of the juvenile court for its supervision and care, but if it dismiss the appeal the juvenile court shall continue its jurisdiction; and when retained, or upon such remandment the juvenile shall remain under the jurisdiction of said Juvenile Court as if it had rendered said certified judgment in the first instance, or as if an appeal had not been taken.

When the appeal is taken by the guardian ad litem appointed by said Juvenile Court, it may in its discretion allow the guardian ad litem his actual expenses incurred, or such part thereof as the court may determine, which the county shall pay on approval by the judge.

Section 26. It shall be a misdemeanor for any person in said county of Mobile, willfully or knowingly to encourage, aid, abet, connive at, contribute to, promote or cause the delinquency of any person sixteen years of age, or under, as herein defined. Said Juvenile Court shall have jurisdiction of all such misdemeanors, and shall cause any person guilty thereof, to appear or to be brought before the court, either upon summons or upon other notice, or upon warrant of arrest, after affidavit showing probable cause or such orders and judgments as the court may see proper to make in accordance with this section.

The accused shall have the right to bail, in a sum to be fixed by the court or judge, payable to the county, with surety to be determined by the court or judge, and conditioned to appear in said Juvenile Court from time to time to be fixed by the court or judge until discharged in due course and to be approved by said judge.

In default of bond, the accused may be committed to jail, pending disposition of his case by the Juvenile Court.

The cause shall be styled the State of Alabama against the accused, by whatever name known or called.

At the time fixed by continuance or otherwise the court shall hear the cause, and, upon finding the defendant guilty of an offense under this section, shall have power to enter and enforce such orders or judgment as to the court shall seem best fitted to ameliorate the evils resulting from the acts or omissions of the accused affecting such delinquency.

Whether by way of punishment of the guilt ascertained by imposing upon the defendant a fine not exceeding three hundred dollars and hard labor for the county for not over six months or imprisonment in the county jail for not over six months, or anyone of such penalties last above prescribed.

The court shall have power to at any time suspend the operation of judgment rendered, for such a period, not exceeding six months, as it may determine, and may put the convicted defendant upon probation during the whole or part of the time or period of such suspension, all upon such conditions and terms as the court may determine as expressed in its order of suspension or in any undertaking or obligation below provided for; and it shall have the power to require, or the judge to agree that the defendant execute a bond or covenant, payable to the county, with or without surety as the judge or court may determine, in such penalty or terms as the court may prescribe, conditioned that the defendant will comply with the present, past or future orders of the court, as the case may be recited in such covenant or bond and the court in its discretion, shall have power to release the defendants temporarily or on parole, during the whole or part of such suspension. The judge shall approve such bond or covenant, have it entered in the records of the court, retain the same and whenever the defendant shall fail to comply or break its conditions or the agreement, the judge may deliver the same over to the court of county commissioners for such action as it may take concerning the same.

The court may avail of the services of the treasurer of said juvenile commission, and thereupon the treasurer shall obey its orders, or the judge or clerk may be depository and disbursing officer, on defendant's compliance.

The juvenile court shall have power to revoke such suspension whenever defendant's conduct makes it appear proper so to do, either by failure to comply, or upon violations of terms and conditions, or otherwise. Revocation shall revive the judgment suspended or so much thereof as remains unfulfilled.

The court may always issue process to take or re-take a defendant into custody and for the exercise of its jurisdiction.

If defendant's guilt is not confessed, nor his bond or covenant to perform accepted by the court or judge, he shall have right of appeal to the circuit court ~~as aforesaid, otherwise not.~~ He shall take appeal by giving notice of appeal in open court, or else by written notice of appeal filed in the juvenile court, all within five days after the day of rendition of the final judgment against him.

If having appealed he make bond in penalty fixed by the court or judge, payable to the county, with sufficient surety or sureties, conditioned to appear in the circuit court trial at the time set and until discharged in due course of law, approved by the judge of the juvenile court, then the defendant shall be released from custody by order of the juvenile court, and, in the absence of such a bond so approved he shall be confined in jail till he make such bond, and thereupon he shall be released by order of the juvenile court, for the time being. At any time after his release he may be required by the juvenile court, for good cause, to make new or additional

bond, or be recommitted to jail till he shall make such bond or be discharged in due course of law.

Notice of appeal may be withdrawn at any time before such bond is made, within such five days. Whenever under this act the defendant makes a bond the court may upon notice and due cause require him to make additional or new bond, the appeal court may make like requirements from time to time, and as often as necessary, and enforce such order.

The clerk shall certify the appeal to the circuit court, together with a transcript of the record and with all such papers in the cause as necessary or proper to show the proceedings below, or pertinent to a hearing on appeal.

On the appeal trial the defendant shall have a jury trial by demanding it in the same way and time as on other appeals to the circuit court.

The appeal case shall be tried in the circuit court de novo and the court, if without a jury, shall render such judgment as the juvenile court should have rendered under this act. The circuit court shall have like discretion as the juvenile court. The jury question shall be whether or not the defendant is guilty, and the jury shall not impose the punishment. The court shall render judgment according to verdict, unless it sets the verdict aside, and according to the provisions of this act, as well as according to its own practice; and it may render a judgment against the sureties jointly with or separately from the defendant.

The defendant may appeal to the court of appeals or the supreme court, according to the jurisdiction of the appellate court, upon the same conditions, and in the same way and in the same time as provided for appeals to the circuit court, except that in order to appeal he must also within such time execute security for the costs of appeal as usual, or else a bond for appeal, in penalty fixed by the circuit court or judge, payable to the county of Mobile, approved by the court or judge, and conditioned to pay all costs adjudged against him in the appellate court. But he shall not be released from custody of the circuit court, nor from performing the judgment rendered, nor shall the judgment be suspended, unless in that or a separate bond made within such five days, he bind himself with surety or sureties approved by the circuit court or judge, in a penalty fixed by it or him, and conditioned that the defendant shall appear in such appellate court at the time fixed by the court or by law, and abide the result, and pay all such judgment both as to costs and otherwise, and fully perform the same, such as may be rendered against him on such appeal.

Whenever the appeal is not taken in such five days, or judgment rendered in the highest court acquiring jurisdiction is certified down, the judgment shall be certified by the circuit clerk to said juvenile court and be made the judgment of the latter court. If the defendant be thereby required to perform or pay anything he shall be remanded to the custody and powers of the juvenile court, and like proceedings shall go forward as if the judgment has been rendered by the juvenile court in the first instance, or as if no appeal had been taken. If either of the appellate courts shall suspend the sentence or judgment rendered and put the defendant on probation, as it shall have power to do, it shall fix the conditions and terms thereof in its judgment of suspension, and the defendant shall be likewise remanded to said juvenile court for its supervision and control, and same as if the juvenile court had itself put him on probation.

Section 27. Costs or fees shall not be charged against any juvenile delinquent, but may be against one contributing to such delinquency and coming within the purview of section twenty-six of this act.

Payment thereof may be enforced, or added time of punishment given for non-payment thereof, as in other courts.

Section 28. The judge of said court shall have the power to appoint temporarily when necessary, someone to act as judge pro tem, and who

shall have like qualifications as judge, and who shall perform his duties in his absence or disability, and while acting said judge pro tem shall receive the same salary that the judge receives, provided that one salary between them be paid. If said judge shall fail or be unable to appoint a judge pro tem, and the necessity for such an appointment should arise, then the Juvenile Court Commission shall have the power to appoint said judge pro tem. While acting as judge of said court the judge pro tem shall have all power of the judge of said court.

Section 30. The jails meant in the foregoing act are the jails of the county, or that of a city or incorporated town therein, as the case may be, and the jailers thereof shall obey the orders of said juvenile court and be subject to its jurisdiction and powers. (See S. 14.)

Said Juvenile Court may take forfeitures of bonds as other courts may, and enforce the same in an appropriate way.

Section 31. The clerk of the Board of Revenue and Road Commissioners of Mobile County, Alabama, shall present to the Board of Revenue and Road Commissioners of Mobile County, monthly statements showing true and correctly all the items of expense arising out of the operation and in connection with the said Juvenile Court, and cost of maintenance of said court, not including the cost of furnishing quarters and the equipment thereof, in the way of furniture, such as tables, desks, chairs and benches, or other things that become a part of the realty, but including all other matters of expense or cost. Such statement should be recorded in the records of the Juvenile Court and in the minutes of said Board of Revenue and Road Commissioners. Said Board of Revenue and Road Commissioners shall cause a statement of such monthly expenses so presented to it to be filed with the Board of City Commissioners, or other governing authorities of the city of Mobile, and it shall be the duty of said city of Mobile to pay to the county of Mobile one-half of the amount incurred for such expense.

Section 32. This act shall go into operation and effect in all its penal or other provisions 30 days after its being approved by the governor, or becoming a law under the constitution, and without such approval. The officers, including the Juvenile Court Commission of the former Juvenile Court of Mobile County, shall be the corresponding officers of the court hereby created, and shall serve until their successors shall be duly appointed.

Section 33. Upon this act going into operation and effect, all matters and cases pending in any other or former Juvenile Court at the time created by the legislature, for said county of Mobile, and all the books, papers, records, paraphernalia and property of every kind pertaining to such former Juvenile Court, shall be transferred forthwith to the Juvenile Court hereby created, to be heard or treated in accordance with this act. The duty of effectuating such transfers shall devolve upon the persons who were the judge and clerk or either of said former Juvenile Court at the time this act goes into operation, and the transfer shall be made at once.

Section 34. All laws and parts of any law in conflict with any of the provisions of this act, including all former local laws creating any Juvenile Court in and for said County of Mobile, are hereby repealed. But nothing herein contained shall be construed as to repeal any portion of that certain local act providing for detention homes for juvenile delinquents in Mobile County, and approved March 8, 1915.

Section 35. If any provision or section of this act shall be declared unconstitutional, the remaining sections or provisions thereof shall not be affected. But the same shall remain in full force and effect.

State of Alabama, }
Mobile County. }

Before me, Robert L. Marshall, a Notary Public in and for said State and County, personally appeared W. M. Fincher, who being by me first duly

sworn, deposes and says, that he is Secretary-Treasurer of the Mobile Register; that he is duly authorized to make this affidavit; that he has personal knowledge of the facts stated herein; that the Mobile Register is a daily newspaper, published in the city of Mobile, Mobile County, State of Alabama; that the notice, a copy of which is hereto attached, was inserted in said Mobile Register, and has been published, and has appeared regularly once a week for four consecutive weeks, viz: June 23rd, June 30th, July 7th, July 14th, 1923 in said Mobile Register.

W. M. Fincher.

Subscribed and sworn to before me this 13th day of August, 1923.

Robert L. Marshall,

Notary Public, Mobile County, Alabama.

By Mr. Goodwyn:

H. 833. To provide a Law Enforcement fee in all misdemeanor cases.

Judiciary.

By Mr. Ware (with notice and proof):

H. 834. To alter and fix the boundary lines of the city of Roanoke, Alabama.

Local Legislation.

Notice and proof H. 834:

NOTICE OF PROPOSED LOCAL LEGISLATION.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of the State of Alabama to alter and fix the boundaries of the City of Roanoke, Alabama, a municipal corporation in Randolph County, Alabama. Said boundaries of said City to be altered and fixed to be as follows:

Beginning at SE corner of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, thence N to the SW corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, thence E to the SE corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, of section thirty-six; thence north to the NE corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, thence W to the SE corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, thence N to the NE corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, thence W to the NW corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, thence north to the NE corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ Sec. 26, thence N to the NE corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Sec. 23, thence W to the NW corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, thence south to the SE corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, thence W to the SW corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Sec. 22, thence South to the NW corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, thence W to the NW corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, thence S to the NW corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Sec. 27; thence W to the SE corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Sec. 28; thence S to the SW corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, thence E to the SE corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, thence S to the SE corner of the SE $\frac{1}{4}$, of the SE $\frac{1}{4}$, Sec. 33; all of aforesaid land being in township 21, S, Range 12, E. Thence S to SW corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, thence E to the NW corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, thence S to the SW corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, thence E to the SE corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, thence S to the SW corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Sec. 3, thence E to the SE corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, thence N to the NE corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Sec. 2; thence E to the SE corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, thence N to the NE corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, thence E to the SE corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, thence N to the NE

corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, to the beginning point, Sec. 1, township 22, range 12, East.

G. B. Walker,

Mayor.

O. L. Mulendore,

Clerk

B. B. Brannan, D. M. Yates, Leon Jones, H. Enloe, H. D. Myhand,
City Councilmen.

State of Alabama, }
Randolph County. }

This day personally appeared before me, a Notary Public in and for said county and state, O. H. Stevenson, known to me to be the publisher of The Roanoke Leader, a weekly newspaper published in Roanoke, Randolph County, Alabama, and being duly sworn makes affidavit that the Notice of Proposed Local Legislation, copy of which is hereto attached, was duly published in said Roanoke Leader in four consecutive issues of said newspaper, to-wit: August 1, 1923, August 8, 1923, August 15, 1923, and August 22, 1923.

O. H. Stevenson,
Publisher Roanoke Leader.

Sworn to and subscribed before me, this 23rd day of August, 1923.
(Seal)

J. W. Radney,
Notary Public.

By Mr. Luck (By request) :

H. 835. To provide for the relief of Cora Spencer, and to make an appropriation therefor.

Ways, Means and Appropriations.

By Mr. Luck (By request, with notice and proof) :

H. 836. To amend section two (2) of an Act entitled An Act to establish a charter for the city of Vincent, in Shelby County, Alabama, approved February 16th, 1897, so as to read as follows:

Local Legislation.

Notice and proof H. 836 :

NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama, to amend Section Two of an Act entitled an Act to establish a charter for the city of Vincent, in Shelby county, Alabama, approved February 16th, 1897 so as to read as follows:

Section Two. Be it further enacted that the corporate limits of Vincent shall embrace an area including all the territory within one mile of depot at Vincent, in said town, extending in all directions one mile from said depot.

E. E. Wallis.

State of Alabama, }
Shelby County. }

Personally appeared before me, a Judge of Probate in and for said county, Luther Fowler, who being duly sworn according to law deposes and says that he is the publisher of the Shelby County Reporter, a newspaper published in said county and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for four weeks consecutively, to-wit, in the issues thereof dated as follows: July 19, 1923, July 26, 1923, August 2, 1923 and August 9, 1923.

Luther Fowler.

Subscribed and sworn to before me this 9th day of August, 1923.

L. B. Riddle,
Judge of Probate.

By Mr. Verner :

H. 837. To change the name of the "State Board of Convict Supervisors" to the "State Board of Administration."

Judiciary.

By Mr. Verner :

H. 838. To provide for the selection of delegates to any National Party Convention whenever a citizen of the State of Alabama is a candidate for the nomination by any political party as its candidate for election as President of the United States.

Judiciary.

By Mr. Verner :

H. 839. To provide for and regulate further the care, support and maintenance of the poor and paupers of the several counties of the State of Alabama.

Judiciary.

By Mr. Fanning (with notice and proof) :

H. 840. To authorize and direct the court of county commissioners, or board of revenue, or governing board or court of like jurisdiction in Walker county to pay for advertising the notice and substance of local bills to be introduced in the Legislature for said county, at the lawful rate of advertising in said county, out of any money in the county treasury not otherwise appropriated, when the bills apply to the entire county, and this act shall apply to and include the notice and substance of bills advertised to be introduced at and during the present, 1923, session of the Legislature.

Local Legislation.

Notice and proof H. 840 :

NOTICE.

A bill will be introduced at the present session of the Alabama Legislature to authorize and direct a Court of County Commissioners, or board of revenue, or governing board or court of like jurisdiction in Walker county to pay for advertising the notice and substance of local bills to be introduced in the Legislature for said county, at the lawful rate of advertising in said county, out of any money in the county treasury not otherwise appropriated, when the bills apply to the entire county, and this act shall apply to and include the notice and substance of bills advertised to be introduced at and during the present, 1923, session of the Legislature.

J. B. Powell.

State of Alabama, }
Walker County. }

Before me, a Notary Public, in and for said State and County, personally appeared L. S. Richardson, publisher of The Mountain Eagle, a weekly newspaper published at Jasper, Walker County, Alabama, who being duly sworn deposes and says that the notice copy of which is hereto

attached was published in said newspaper for four consecutive weeks, as follows: July 11th, 18th, 25th, and August 1st, 1923.

L. S. Richardson,
Publisher.

Sworn to and subscribed before me, this 10th day of August, 1923.
(Seal)

Steve Cranford,
Notary Public.

By Mr. Powell (with notice and proof):

H. 841. To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Walker County, Alabama; to define the duties and powers of the Court of County Commissioners, with the regard to same, and to fix penalties for the violations thereof and to provide for the payment of a per capita tax in lieu of road duty; to provide for the payment of a license or privilege tax on gasoline and to provide for the collection thereof and penalties for violation thereof.

Local Legislation.

Notice and proof H. 841:

NOTICE.

Notice is hereby given that the following bill will be introduced at the next session of the Legislature of Alabama on 1923 in substance as follows:

To provide for the establishment, discontinuance construction, use, working and maintenance of the public roads, bridges and ferries of Walker County, Alabama; to define the duties and powers of the Court of County Commissioners with the regard to same, and to fix penalties for the violation of the rules, regulations and laws of the Court of County Commissioners.

Section 1. Be it enacted by the Legislature of Alabama: That the Court of County Commissioners of Walker County is invested with a general superintendence of the public roads, bridges and ferries within said County and may establish new, and change and discontinue old, roads, bridges and ferries of said County so as to render travel over the same as safe and convenient as practicable. To this end they are given Legislative, judicial and executive powers, except as limited herein. They may establish, promulgate and enforce rules and regulations, make and enter into such contracts as may be necessary, or as may be deemed necessary or advisable by such Court; to build, construct, make, improve and maintain a good system of public roads, bridges and ferries in Walker County and regulate the use, thereof, but no contract for the construction or repair of any public road, bridge or bridges shall be made where the payment of the contract price for such work shall extend over a period of more than ten years.

Section 2. That the Court of County Commissioners of Walker County, Alabama, is hereby given the right of eminent domain for the purpose of establishing and changing public roads, bridges and ferries in said County. Provided that when an appeal is taken from any assessment in condemnation proceeding brought by the County, such appeal shall not deprive the County obtaining the judgment of condemnation of right of entry for any and all purposes named in the condemnation proceeding provided the amount of damages assessed shall have been paid into court in money, and a bond shall have been given in not less than double the amount of the damages assessed with good and sufficient sureties to be approved

by the Clerk of the Court to which the appeal is taken conditioned to pay such damages as the owner of the property may sustain.

Section 3. All male persons in Walker County over the age of eighteen years and under the age of forty-five years shall be required to work the public roads five days each year; provided, however, that those persons furnishing a team or teams shall be required to work the public roads, in addition to the furnishing of team or teams, two and one-half days each year; provided further that the labor of such persons may be commuted by paying to the person appointed by the Commission to collect the money the sum of \$4.00 on or before the first day of April of each year; provided further that any person who has not paid his road tax by April 1st, within two days after being warned to work the roads in the manner hereinafter provided may commute the same by paying \$5.00; provided further that any male person who shall attain the age of eighteen years before July 1 of any year shall be liable to road duty as provided in this Section, but may commute the same by paying to the person appointed by the Commission to collect the money the sum of \$4.00 within two days after having been warned to work the roads in the manner hereinafter provided; and provided further, that any person who has lost an arm or leg, and all persons who are by nature or disease rendered incapable of hard labor who shall procure a certificate of such incompetency by the County Board of Health, are exempt from road duty.

Section 4. That the County Commissioners of their respective districts in the County of Walker shall be supervisor over the roads and bridges and ferries of his respective district, subject to the control and direction of the Commissioners Court as a whole; that it shall be the duty of each Commissioner immediately after the passage of this act and on or before March 1 of each year to obtain a list of the persons in his respective district subject to road duty and on or before the tenth day of March thereafter such Commissioner shall file with the Judge of Probate an alphabetical list of each of such persons within road age and subject to road duty from each beat in his district; that such list shall be open at all reasonable times for inspection by the public.

Section 5. That the Probate Judge shall immediately after the filing of the list of those subject to road duty as required in the preceding Section cause the same to be published in a newspaper published in said County and that the Commissioners Court shall provide for the expense of such publication.

Section 6. That the County Commissioners of their respective districts shall collect all money due and paid by those subject to road duty in lieu of such road duty, and turn the same over to the County Treasurer and take his receipt for the same, provided that such Commissioners may appoint assistants to collect said per capita road tax, but that such Commissioner shall be responsible for the acts of said assistant and may take bond from such assistant to protect such Commissioner from any loss such bond to be approved and filed with such Commissioner.

Section 7. That the Court of County Commissioners shall have authority to purchase such materials, supplies, teams and other equipment as may be necessary in the office or field for properly carrying on the work of construction and maintenance of the public roads and bridges of Walker County.

Section 8. The County Treasurer of said County shall immediately after the passage of this act and on or before the tenth day of January of each year thereafter prepare or cause to be prepared official road per capita tax receipts duly countersigned by him in books containing receipts with a stub attached to each receipt which said stub shall show the date and the person to whom each receipt is issued and the said stub and corresponding receipt shall each show the road district from which same is

issued, and receipt book shall be furnished by said Treasurer to the County Commissioners of said County and said Treasurer shall require of said Commissioners receipts for said books of road tax receipts which receipts he shall retain for his use in making partial settlements with said Commissioner. All of said road per capita receipts shall be numbered consecutively and charged to the Commissioner obtaining same.

Section 9. It shall be the duty of such Commissioners of their respective districts of said County, where more than fifty persons reside in such precinct subject to road duty to make appointments at one stated public place in such precinct of their respective district at which time and place shall be present to receive said receipt for said per capita tax to persons desiring to pay the same in lieu of road duty; they shall give notice of such appointments by posting notices written or printed or partly written and partly printed, at not less than four public places in each of such precincts ten days before the date on which he will be present in said precinct, and they shall remain at their appointments in their respective districts from nine o'clock A. M. until three o'clock P. M. of said day. Provided such commissioners may have assistants to fill such appointments for the collection of said per capita tax as hereinbefore provided for.

Section 10. The Commissioners or their assistants, shall receipt for said per capita tax on receipts furnished to them for that purpose by the Treasurer of said County.

Section 11. That all moneys collected in lieu of road duty shall be credited to the precinct from which it was paid and shall be spent in said precinct for the working, and maintenance of the roads and bridges of such precinct and for no other purpose.

Section 12. The Commissioners shall make their final settlement with the County Treasurer at their first regular meeting of the County Commissioners in December of each year. At which time the Commissioners shall each also make a written report to the Court of County Commissioners stating the number of per capita receipts they received from the Treasurer of said County, the number of receipts issued by them, in lieu of road duty, during the current year, the names of those who have paid their road tax to them, and each and every expenditure made, and to whom and to what purpose the same was paid and shall make separate reports for each beat of their respective districts and such report so far as the amount of money collected and paid to the County Treasurer and receipts obtained from the County Treasurer shall be certified by said County Treasurer of its correctness. Such reports shall be made in duplicate and one of such reports shall be filed with the Probate Judge of said County who shall immediately thereafter cause the same to be audited and published in a newspaper published in said County; that such commissioners shall also be required to make any other statements and reports relative to their official acts, they may be directed to make by the County Commissioners; that if any Commissioner failed to turn in any of said receipts which they do not account for in their report and which were not collected by them and paid to the County Treasurer the Court of County Commissioners shall charge them with the same; should either of such Commissioners fail to account for any money received by them from the County Treasurer to be spent in the respective beats from which said money was paid, the same shall be charged to such Commissioners and they shall be liable for the same. Such defaults or failures on the part of such Commissioners shall be certified to the Judge of Probate who shall immediately turn the same over to the Solicitor of said County and whose duty it will be to proceed for the collection of said amount, in the manner provided by law.

Section 13. That any Commissioner failing to make such reports as required of him in the preceding Section or to do or perform any of the duties

required of him in this act, shall be guilty of a misdemeanor and on conviction shall be fined not less than ten or more than five hundred dollars and may also be imprisoned in the County Jail or sentenced to hard labor for the County for not more than six months, one of both at the discretion of the Court trying the cause.

Section 14. The County Commissioners in their respective districts shall place or cause to be placed suitable and plainly lettered sign boards at crossing of roads in their respective districts, shall measure or cause to be measured all public roads in their respective districts, and they shall prevent and remove any and all unnecessary obstructions of the public roads, and they shall institute prosecution against any person who obstructs the public road with fence or otherwise in their respective districts.

Section 15. Any person occupying any part of a public road of said County with a fence or obstructing the same in any way shall remove such fence or other obstruction, immediately after the passage of this act, and failing to do so shall be guilty of a misdemeanor and on conviction shall be fined not less than ten nor more than five hundred dollars.

Section 16. Any person who issues any road receipts for per capita tax not official or not properly countersigned or any person using or issuing any per capita road receipt for some year other than the year from which it was intended or any person issuing any per capita road receipt when the amount due for same has not been properly paid shall be guilty of a misdemeanor, and shall be fined not less than ten or more than one hundred dollars.

Section 17. Any person who issues or caused to be issued a per capita road tax receipt in payment for or in part payment for work done on the public roads of said County or for material furnished for said road or bridges shall be guilty of a misdemeanor and on conviction shall be fined not less than ten or more than one hundred dollars.

Section 18. It shall be unlawful for any person to drive or ride faster than ten miles per hour across any road or bridge in said County, or to remove, deface or destroy any mile board or sign board on the public road of said County, or to place or erect or cause to be erected or placed any telegraph pole or post at any point on said public road which may interfere with the proper working of the same, or for any person owning, operating, controlling or managing any telephone or telegraph line to allow any telegraph or telephone wire or wires to hang across the public road of said County at a height of less than twelve feet above the public road and any person violating the provisions of this Section shall be guilty of a misdemeanor and on conviction shall be fined not less than one nor more than fifty dollars.

Section 19. In the prosecution of any road defaulter or of any person of any offense obstructing the public road of said County or for any offense in violation of this act or any Section thereof it shall not be necessary to prove by the records in the County that it is a public road, but that proof may be made by oral testimony.

Section 20. The Court of County Commissioners of Walker County, may, at its discretion employ the convicts of said County and of any other County in working the public roads and bridges thereof under such rules and regulations as they may adopt.

Section 21. Any person, liable to road duty having been warned to work any of the public roads of Walker County, Alabama, who failed or refused to work or pay after having been warned may within five days render his excuse to the County Commissioner of County of the district of which such warning was given, or to his assistants for such precinct, and such excuse may be accepted by him as legal but if no excuse is offered or if offer is not accepted it shall be the duty of the said County Commis-

sioner of the respective district to immediately have instituted criminal proceedings against the party or parties failing or refusing to work and they shall be proceeded against as road defaulters.

Section 22. The County Court of Justices of the Peace of Walker County, Alabama, shall have jurisdiction of all prosecutions arising under this act.

Section 23. The County Commissioners in their respective districts or their assistants shall warn all hands subject to road duty on the roads, giving them not less than two days notice served upon the person or left at the place of residence and such hands shall bring such tools as the Commissioner or his assistants may designate and any person so warned who fails or refuses to work without good cause or legal excuse either in person or sending a substitute with the proper tools, shall be guilty of a misdemeanor and upon conviction shall be fined not less than two dollars for each day in default, nor more than fifty dollars, and such fine when imposed shall be paid into the road and bridge fund for the benefit of the precinct from which the defaulter is prosecuted.

Section 24. It is hereby made the duty of every person, firm or corporation, employing more than three men in said County to furnish on the application of the Commissioners or either of them, or their assistants, the names of every man in their employment, and to specify if known to them the place of residence and approximate age of every employed man. And upon failing or refusing to do so, such person, firm or corporation or its agent in charge of such business, shall be guilty of a misdemeanor and on conviction shall be fined not less than ten or more than one hundred dollars, for every man in their employment whose name was not furnished said Commissioner or his assistant and such demand may be made not more than once each month.

Section 25. Eight hours shall be a day's work under this act.

Section 26. All written notices of warning to work on the public roads of Walker County shall be signed by the Commissioner or his assistants of their respective districts, but same may be served by any person appointed to do so by a Commissioner of the district of which the warning is to be given.

Section 27. The Commissioner of either of the said districts may in his judgment and discretion appoint an assistant or assistants when conditions are such that it would be economy to the County Roads' funds to do so, but the said assistant shall not receive more than three dollars per day, to be allowed by the Court of County Commissioners of said County, for the time he is engaged in actual service in working or superintending the working of the public roads in said County. No assistant shall be appointed and no compensation shall be allowed to him by the Court of County Commissioners, except for the time he was actually engaged in such work. ~~The Commissioners may employ as many overseers as they see fit~~ when it is to the County's interest to do so. Such expense incurred under this Section shall be paid from the funds collected from the precincts wherein incurred.

Section 28. That each Commissioner shall enter into a bond of Five Thousand Dollars each with good and sufficient sureties conditioned for the faithful performance of his duties and for the accountability of all money coming into his hands in lieu of road duty or for any other purpose said bond to be approved by the Probate Judge of said County and filed with him. Such bond to be made and filed by the present Commissioners within twenty days after the passage and approval of this act and failure to make such bond vacates his office. The expense of such bonds, if made by a bonding company, shall be paid by the County.

Section 29. No person elected to do road work under this act shall be required to work any public road more than six miles from his home.

Section 30. All funds received by the County from the hire of County Convicts and all funds that may be received from the State for and on account of the hire of convicts shall be deposited to the credit of the road and bridge fund of the County and shall be used for the construction and maintenance of the roads and bridges of the County, and for no other purpose.

Section 31. The Commissioners of their respective districts or their assistants, with their consent, may apportion the hands to work on the respective road of the precincts and designate what roads are to be worked, and all roads used by the public should be maintained and worked so far as practicable to do so, but such Commissioner shall take into consideration the importance of such road and the use thereof by the public in the working and maintaining of such road.

Section 32. The Court of County Commissioners of Walker County may contract the maintenance or upkeep of any graded road of the County requiring the contractor to give bond double the amount of the contract price for the faithful performance of such contract.

Section 33. Each Commissioner of Walker County shall be paid the sum of \$5.00 per day for each day's work performed by him, but shall not be allowed mileage to and from said court provided that no commissioner shall receive in any one year more than fifteen hundred dollars.

Section 34. The Commissioners Court shall be empowered to make such rules and regulations as to road improvement not inconsistent with this act, as may be necessary to comply with any law of the State or Federal Government extending State or Federal Aid.

Section 35-A. That there is hereby levied, fixed, imposed and to be paid 2c per gallon on all gasoline, kerosene, naphtha or other motor fuel used, sold or purchased in Walker County, Alabama for the purpose of propelling Motor Vehicles of any kind over, along or across any of the public roads of said County, which amount when collected shall go into the road and bridge for said County and used exclusively for the working, maintaining and building of roads and bridges in said County.

Section 35-B. That each and every retail dealer in said County, shall pay to the County Treasurer of said County the sum of two cents on each and every gallon of gasoline, naphtha or other motor fuel or kerosene, sold by them to persons for the purpose of operating motor vehicles in said County or for any other purpose, the same to be paid on or before the tenth day of each month for all sold the previous month; that such retail dealer shall furnish to the County Treasurer on or before the tenth of each month the amount of gasoline or kerosene sold by him for any purpose during the previous month, and the person, firm or corporation from whom he purchased such gasoline or kerosene.

Section 35-C. That each person, firm or corporation engaged in selling gasoline or kerosene, naphtha or other motor fuel to retail dealers shall file with the Treasurer of Walker County, Alabama, a statement of the amount of such gasoline or kerosene sold or delivered by it or them and the name and address of the person, firm or corporation to whom such sales were made, which statement must be filed not later than the tenth day of each month, showing the amount so sold or delivered the previous month.

Section 35-D. That any person, firm or corporation who violates any of the provisions of the two preceding Sections shall be guilty of a misdemeanor and shall be fined for each such violation not less than ten dollars nor more than Five Hundred Dollars, and all of such fines shall go into the road and bridge fund for said County.

Section 35-E. That it shall be the duty of the County Commissioners of their respective districts to see that the provisions of Sections 35-A to 35-D be enforced and to start proceedings for the collection of such amounts due under said provisions and to institute Criminal Proceedings against any one who fails to comply with the requirements thereof.

Section 36. If any section or provision of this act shall be declared void or unconstitutional it shall not affect or destroy the validity or constitutionality of any other Section or provision which is not in and of itself void or unconstitutional.

Section 37. That this act shall become effective upon its approval by the Governor.

Section 38. That all laws and parts of laws, local, general and special in conflict with this act be and the same are hereby repealed.

Chas. H. Fanning,
James B. Powell,

Representatives-Elect from Walker County, Alabama.

State of Alabama, }
Walker County. }

Before me, a Notary Public, in and for said State and County, personally appeared L. S. Richardson, publisher of the Mountain Eagle, a weekly newspaper published at Jasper, Walker County, Alabama, who being duly sworn, says that the attached "Notice" was published in said The Mountain Eagle for four consecutive weeks, as follows: January 3rd, January 10th, January 17th, and January 24th, 1923.

L. S. Richardson.
Publisher.

Sworn to and subscribed before me, this 25th day of January, 1923.

W. E. Barrett,
Notary Public.

By Mr. Powell (with notice and proof):

H. 842. To repeal an act, entitled "An Act to allow the constable in Beat Thirteen of Walker County, Alabama, to appoint deputies," approved April the twenty-second, 1911.

Local Legislation.

Notice and proof H. 842:

NOTICE.

A bill will be introduced at the present session of the Alabama Legislature to repeal an Act, entitled an Act to allow the constable in beat 13, of Walker county, Alabama, to appoint deputies; on page 306, Local Laws of Alabama, 1911.

J. B. Powell.

State of Alabama, }
Walker County. }

Before me, a Notary Public in and for said State and County, personally appeared L. S. Richardson, publisher of The Mountain Eagle, a weekly newspaper published at Jasper, Walker County, Alabama, who being duly sworn, deposes and says that the notice, copy of which is hereto attached, was published in said newspaper for four consecutive weeks, as follows: July 11th, 18th, 25th, and August 1st, 1923.

L. S. Richardson.
Publisher.

Sworn to and subscribed before me, this 10th day of August, 1923.
(Seal)

Steve Cranford,
Notary Public.

By Mr. Goodwyn:

H. 843. To authorize the State Auditor to draw a warrant on the treasury in favor of the employees and clerks of the Legislature of 1923 as provided by the report of the committee appointed under Senate Joint Resolution No. 86, and adopted August 2, 1923.

Judiciary.

By Mr. Verner (By request):

H. 844. To provide for the compensation of the assistants in the Department of the Clerk of the Supreme Court.

Judiciary.

By Mr. Graves:

H. 845. To impose a License or Privilege Tax on all Deeds, Bills of Sale and other Instruments of like character admitted to record in the probate offices of this State.

Ways, Means and Appropriations.

By Mr. Goodwyn (with notice and proof):

H. 846. An Act to authorize the Board of Revenue of Montgomery County, Alabama, to appropriate the sum of five hundred fifty and 56/100 (\$550.56) dollars for the relief of Mrs. Eugenia Prescott for funeral expenses of J. W. Prescott, who was killed while aiding officers of the law in attempting to make an arrest.

Judiciary.

Notice and proof H. 846:

NOTICE.

Notice is hereby given that a bill will be introduced in the present Legislature authorizing the Board of Revenue of Montgomery County to appropriate the sum of \$550.56 for the relief of Mrs. Eugenia Prescott for funeral expenses of J. W. Prescott, who was killed while aiding officers of the law in attempting to make an arrest.

Mrs. Eugenia Prescott.

AFFIDAVIT OF PUBLICATION.

State of Alabama, }
Montgomery County. }

Before me, T. A. Hardy, a Notary in and for said State and County, personally appeared R. F. Hudson, who deposes and says that he is Treasurer of the Montgomery Advertiser, a daily newspaper published at Montgomery, in said State and County; that the foregoing notice of intention to introduce a local bill was published in the Montgomery Advertiser, a daily newspaper published at Montgomery, State and County aforesaid, once a week for four consecutive weeks, to-wit: On July 28, 1923, August 4, 1923, August 11, 1923 and August 18, 1923, prior to the making of this affidavit and introduction of the proposed bill in the Legislature of Alabama, without cost to the State of Alabama or the County of Montgomery,

and this affidavit is made for the purpose of showing that said notice has been given.

Sworn to and subscribed before me, this 28th day of August, 1923.
(Seal)

R. F. Hudson.
T. A. Hardy,
Notary Public.

BILL ON SECOND READING.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 669. To amend an Act approved November 30, 1907, and entitled "An Act to provide for the protection of the forests of Alabama; to establish and create a State Commission of Forestry to consist of the governor, a member of the State tax commission, the State game and fish commissioner, the commissioner of agriculture and industries, a member of the United States forest service, the professor of forestry in the Alabama Polytechnic Institute and one practical lumberman, to declare the county game and fish wardens, forest wardens; to declare constables, justices of the peace, sheriffs and deputy sheriffs, ex-officio deputy forest wardens and to provide for the appointment of deputy forest wardens by the governor; to exempt from taxation for a period of ten years land which shall be planted in trees; to appropriate the sum of five hundred dollars annually for the purpose of carrying out the provisions of this Act; to create a forest reserve fund, and to provide for the payment of all fines, forfeitures and penalties arising under the provisions of this act into said fund.

The above and foregoing bill was read a second time and placed on the Calendar.

BILL ON SECOND READING.

By Mr. Powell:

H. 805. A bill to be entitled an Act to submit to the qualified electors of the State at the general election to be held in November, 1924, an amendment to the Constitution for the purpose of authorizing Walker County, Alabama, to levy and collect a special road tax not exceeding fifty cents on each One Hundred Dollars worth of taxable property in said County, under such regulations as the Legislature may have prescribed or may hereafter prescribe.

Be it enacted by the Legislature of Alabama:

1. That the following amendment to the Constitution of Alabama is proposed to be submitted to the qualified electors of the State for their ratification or rejection at the general

election to be held in November, 1924, at which the amendment shall be proposed, to-wit:

Article — "Section 1. The County of Walker, State of Alabama, shall have power to levy and collect a special county road tax not exceeding fifty cents on each one hundred dollars worth of taxable property in such county in addition to that now authorized or that may hereafter be authorized for public road purposes; provided, that of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county, and voted for by a majority of those voting at such elections.

Section 2. Twenty-five per centum of all moneys derived from property lying within municipalities and arising from the tax proposed herein shall be paid to such municipality and shall, by it, be expended for upkeep of its streets.

Section 3. The Court of County Commissioners, boards of revenue, or other governing body of said county may, or upon written petition of ten per centum of the qualified voters of Walker County, shall call and submit said election provided for and authorized by section one hereof to the qualified electors of Walker County either at the time of the general election, or at a special election called for that purpose; provided, that said election shall be called and held in accordance with the laws now or that may hereafter be enacted governing county bond elections, and in conformity with the general election laws of the State.

2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least eight successive weeks next preceding the said election on the amendment proposed by this Act to be submitted to the qualified electors of the County for their ratification or rejection.

3. That at the general election to be held as herein provided, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election there shall be printed the following, namely: Shall the following be adopted as Article — of the Constitution of Alabama? "Section 1." The county of Walker, State of Alabama, shall have power to levy and collect a special road tax not exceeding fifty cents on each hundred dollars worth of taxable property in said county in addition to that now authorized or that may hereafter be authorized for the erection, construction, or maintenance of the necessary public roads, bridges or ferries and in addition to that now authorized under Section 215 of Article XI of the Constitution, which special county tax so levied and collected shall be applied exclusively to the purpose for which the same was so levied and collected; provided, that the rate of such tax, the time it is to

continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county, and voted for by a majority of those voting at such election."

4. The officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as provided by the election law of the State for the appointment of officers to hold other general elections in the State, and the election shall be held in all respects in accordance with the law governing general elections and with the constitutional provisions concerning amendments to that instrument.

5. That the votes cast at said election shall be counted, canvassed, and returns made thereof to the Secretary of State in the same manner as in elections for representatives to the Legislature. The result of said election shall be made known by proclamation of the Governor, and if a majority of all the qualified electors who voted at said election upon the proposed amendment shall have voted "Yes" said amendment from the date of said proclamation shall be valid to all intents and purposes as a part of the Constitution of Alabama and as an Article thereof.

6. Residents of Walker County, residing outside of municipal corporations, shall be exempt from public road work and the payment of per capita tax in commutation of road work or services.

The above and foregoing bill, proposing an amendment to the Constitution, was read a second time at length and placed upon the Calendar.

MOTION TO TAKE FROM ADVERSE CALENDAR.

Mr. Burton called up his motion to take H. 287 from the Adverse Calendar and place the same upon the regular Calendar of the House. The motion prevailed.

Yeas, 59; nays, 20.

Yeas:

Messrs:

Adams
Adcock
Blackwell
Bowen, Lewis
Bowen, L. K.
Burns
Burton
Byars
Calloway
Cato
Christian
Coleman
Cook
Culver
Deloney

Dowdle
Fanning
Fite
Forman
Gaines
Glover
Grove
Guy
Hall
Hampton
Hawkins
Henley
Henson
Hodgson
Howard

Jeter
Kilpatrick
Lee
LeMaistre
Letson
Long
Love
Mooneyham
Moorer
Moxley
Norman
Odom
Parker
Pickens
Poole

Powell
Ringer
Sanders (Pike)
Sessions
Smith (Clay)
Smith (Jefferson)
Sollie
Stewart (Bibb)
Thompson (Jackson)
Tiller
Walton
Ware
Mrs. Wilkins
Young

Nays:

Messrs:

Mr. Speaker
Allen
Bealle
Embry
Ferrell

Goodwyn
Graves
Holcombe
Howze
Rountree

St. John
Smith (Lee)
Stewart (Calhoun)
Tunstall
Varner

Verner
Walker
Wall
Williams
Wyatt

—20

And the bill,

H. 287. To fix compensation or salaries to be paid the Judge of Probate, Tax Collector and Tax Assessor of the several counties of the State, to regulate the payment of the same; to provide for the selection of clerical and other assistants to said officers, and the manner of fixing the compensation and paying the same, and provide rules and regulations for the conduct and operations of such officers made necessary by changing the method and basis of compensation of said officers, and to prescribe when said act shall go into effect.

Was read a second time and placed upon the regular Calendar of the House.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate having re-considered the vote by which it passed, and also the vote by which it ordered to an engrossment and third reading, the bill:

H. 639. To provide for the establishment, conduct, development, equipment, improvement, and maintenance by cities having a population of one hundred thousand or more according to the last or any subsequent Federal census, of parks, park areas, park boulevards, playgrounds, park and playground systems, recreation centers, and other recreational facilities and activities; to define the powers and duties of such cities and their governing bodies in connection with all such matters; and to create a park and recreation board in all such cities, provide for the selection, terms of office, removal from office, qualifications and duties of the members thereof, and to define the powers of such board.

And ordered said bill re-placed on the Senate Calendar for further consideration by the Senate.

The Lieutenant-Governor and President and Presiding Officer of the Senate refused to affix his signature to said bill, H. 639.

And said bill is herewith return to the House with request that the Speaker of the House erase his signature therefrom,

and return said bill H. 639 to the Senate for further consideration.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Howze the Speaker of the House was directed by the House to erase his signature from said bill H. 639, and the Speaker of the House, in the presence of the House, erased his signature from said bill H. 639.

And,

On motion of Mr. Howze the House acceded to the request of the Senate for the return of said bill H. 639 to the Senate and said bill H. 639 was forthwith returned to the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker :

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 574. To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than one hundred and fifty thousand, according to the last or any subsequent Federal census, special funds to be known as "Policemen's and Firemen's Pension and Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police and fire departments in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall hear and decide applications for pensions and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police and fire departments in said cities during their disability, and for the retirement of such members on pension, either by reason of term of office or disability; to provide for the pensioning of members of such police and fire departments after service therein; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the county in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trus-

tees and a board of pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

Also:

H. 588. To amend Sections 1313 and 1315 of the Code of 1907.

Also:

H. 476. To provide for the taxing and collecting of certain costs in criminal cases in the County Court of Shelby County.

Also:

H. 348. To vacate and annul a portion of Railroad street in the town of Red Level, Alabama.

Also:

H. 621. To alter or rearrange the boundaries of the city of Decatur, Alabama.

Also:

H. J. R. 90. Relative to the appointment of a Committee concerning the placing of the statue of General Joseph Wheeler in the Hall of Fame in the Capitol at Washington.

Also:

H. 407. To establish an inferior statutory court to be called the Birmingham Court of Common Claims; to provide for the judges, clerks, and other officers, their appointment, duties, and compensation; to provide for the jurisdiction, practice and procedure of said court, to provide for the transfer of causes from said court to the circuit court; and to provide for appeals from said court to the circuit court, and the procedure in the circuit court on appeal or transfer of said causes.

Also:

H. 500. For the relief of J. P. Hanks and to appropriate for the said J. P. Hanks, the sum of four hundred and thirty-two (\$432.00) dollars, for services rendered by him as clerk or secretary of the Alabama Public Service Commission.

Also:

H. 620. To vacate the charter of the city of Albany, Alabama.

Also:

H. 622. To create a board of education for the enlarged territory of the city of Decatur, Alabama.

Also:

H. 624. Requiring the city of Decatur to assume all liabilities of every kind whatsoever outstanding against the city of Albany, and vesting in the city of Decatur all property of every

kind whatsoever, owned by the city of Albany, and conferring upon the city of Decatur the right to defend all actions against the city of Albany, and to prosecute all suits pending in the name of the city of Albany, and to carry out street improvements or other public improvements already begun by the city of Albany.

Also:

H. 623. To provide a form of government for the city of Decatur, Alabama, and to prescribe the powers and duties of a temporary board of commissioners, pending a change in the form of government from a city with a population under six thousand, to a city of a population of six thousand or more.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and House Joint Resolutions, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions:

H. J. R. 132. Relative to requesting the Governor to send greetings from the State of Alabama to the Alabama Legionnaires assembled in convention in Mobile.

Also:

H. J. R. 135. Relative to inviting Honorable James J. Davis, Secretary of Labor, to address a joint session of the two Houses on his forthcoming visit to Birmingham.

And returns same herewith to the House.

J. E. Speight,
Secretary.

SPECIAL ORDER.

The hour having arrived, the House proceeded to the consideration of the special order, which was the bill:

H. 478. To pay the town of Livingston for a school building and lot conveyed by said town of Livingston to the State of Alabama for the State Normal School located at Livingston and which has not been paid for.

Mr. Verner offered the following amendment to the bill:
Amend Section 2 by adding thereto the following:

The appropriation made in this Act shall only be released by order of the Governor, when, in his opinion, the condition of the Treasury will warrant such release.

Mr. Walker moved to recommit the bill together with the amendment offered by Mr. Verner, to the Standing Committee on Ways, Means and Appropriations.

On motion of Mr. Pickens the motion of Mr. Walker was laid upon the table.

And the amendment offered by Mr. Verner was adopted.

Yeas, 68; nays, 7.

Yeas:

Messrs:

Mr. Speaker	Fite	Lee	St. John
Adams	Gaines	LeMaistre	Sanders (Pike)
Allen	Glover	Letson	Sessions
Bealle	Goodwyn	McDaniel	Smith (Clay)
Blackwell	Grove	McGowen	Snodgrass
Bowen, Lewis	Guy	Melton	Sollie
Bowen, L. K.	Hall	Mooneyham	Stewart (Calhoun)
Burns	Hampton	Moorer	Tiller
Christian	Hatter	Odom	Tunstall
Cook	Hawkins	Parker	Varnier
Culver	Henley	Pickens	Walker
Dickinson	Holcombe	Poole	Walton
Dowdle	Howze	Posey	Ware
Dunwoody	Jeter	Powell	Mrs. Wilkins
Embry	Jones	Ringer	Williams
Fanning	Kilborn	Rives	Wyatt
Ferrell	Kilpatrick	Rountree	Young

—68

Nays:

Messrs:

Boykin	Forman	Moxley	Smith (Lee)
Cato	Henson	Norman	

—7

And the bill,

H. 478. To pay the town of Livingston for a school building and lot conveyed by said town of Livingston to the State of Alabama for the State Normal School located at Livingston and which has not been paid for.

As amended, was read a third time at length and passed.

Yeas, 52; nays, 21.

Yeas:

Messrs:

Mr. Speaker	Calloway	Embry	Grove
Adams	Christian	Fanning	Guy
Allen	Culver	Ferrell	Hampton
Bowen, Lewis	Dickinson	Fite	Hatter
Bowen, L. K.	Dowdle	Goodwyn	Hawkins

Hodgson	Letson	Poole	Stewart (Calhoun)
Holcombe	McDaniel	Posey	Tunstall
Howard	McGowen	Ringer	Verner
Jeter	Melton	Rives	Wall
Jones	Mooneyham	St. John	Walton
Kilborn	Moorer	Sessions	Mrs. Wilkins
Kilpatrick	Odom	Smith (Clay)	Williams
Lee	Pickens	Snodgrass	Young

—52

*Nays:**Messrs:*

Adcock	Forman	Moxley	Stewart (Bibb)
Blackwell	Gaines	Norman	Thompson (Jackson)
Boykin	Glover	Sanders (Pike)	Tiller
Burns	Hall	Smith (Lee)	Walker
Cook	Henson	Sollie	Wyatt
Dunwoody			

—21

Mr. Tunstall moved to reconsider the vote by which the bill was passed and then moved to table his motion to reconsider and the motion to table prevailed.

On motion of Mr. Tunstall the bill H. 478 was sent forthwith to the Senate without engrossment.

APPOINTMENT OF JOINT COMMITTEE.

The Speaker of the House announced the following appointments on the part of the House under S. J. R. 116. Raising a Joint Committee to investigate the several departments of the State Government and the clerical employees thereon:

Messrs. Goodwyn, McDaniel and Luck.

And

Under H. J. R. 90. Raising a Joint Committee to place statue of General Joe Wheeler in Statuary Hall, Washington, D. C.:

Messrs. Ashcraft of Lauderdale and Stewart of Calhoun.

BILLS ON THIRD READING.

H. 319. To amend Section 7814 of the Code of Alabama, 1907.

~~Was read a third time at length and passed.~~

Yeas, 57; nays, 5.

*Yeas:**Messrs:*

Mr. Speaker	Burton	Dunwoody	Holcombe
Adams	Byars	Embry	Howard
Adcock	Calloway	Fanning	Howze
Allen	Coleman	Fite	Hubbard
Arrington	Cook	Goodwyn	Jeter
Blackwell	Culver	Grove	Jones
Bowen, L. K.	Deloney	Henley	Kilpatrick
Burns	Dowdle	Hodgson	Lee

Letson	Rives	Smith (Lee)	Wall
Luck	Rountree	Snodgrass	Ware
McGowen	St. John	Stewart (Calhoun)	Mrs. Wilkins
Mooneyham	Sessions	Tunstall	Williams
Odum	Smith (Clay)	Verner	Wyatt
Posey	Smith (Jefferson)	Walker	Young
Ringer			

—57

Nays:

Messrs:

Bealle

Christian

Hall

Henson

Boykin

—5

The bill was on motion of Mr. William sent to the Senate without engrossment.

H. 322 (with amendment). To amend Sections 7, 8, 13, 23, 28, 29, 36, 39 and 41 of an Act entitled "An Act, to regulate and provide for the military forces of the State of Alabama, and to promote its efficiency; to prescribe rules, regulations and means for its organization, armament, equipment, discipline, control and supervision; to provide for its maintenance, support and upkeep; to provide means for the enforcement of this Act; and to fix penalties and punishments for the violation of this Act." Approved September 19, 1919 and October 5, 1920.

The question was upon the adoption of the amendment reported by the Standing Committee on Military, said Committee amendment being as follows:

Amend the bill by striking out section 6.

Amend section 7 by inserting after the period after the word "compensation" in line 20, the following: "But in no case shall the basis for compensation be less than the salary the deceased was earning in active military service of the State."

And the amendment was adopted.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Bealle

Blackwell

Bowen, L. K.

Boykin

Burns

Burton

Calloway

Christian

Coleman

Cook

Deloney

Dickinson

Dowdle

Embry

Fanning

Ferrell

Fite

Forman

Goodwyn

Grove

Hatter

Hawkins

Henley

Henson

Hodgson

Holcombe

Howard

Howze

Jeter

Jones

Kilborn

Kilpatrick

Lee

LeMaistre

Letson

Long

Luck

McDaniel

McGowen

Melton

Moorer

Odum

Poole

Posey

Powell

Rives

Rountree

Sanders (Pike)

Sessions

Smith (Clay)

Smith (Lee)

Snodgrass

Stewart (Calhoun)

Tiller

Tunstall

Verner

Wall

Walton

Ware

Mrs. Wilkins

Young

—65

Mr. Ware offered the following amendment to the bill:

Amendment to House bill No. 322:

That Section 8 of House bill No. 322 be amended by striking out lines 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 on page 7.

On motion of Mr. Snodgrass the amendment offered by Mr. Ware was laid upon the table.

And the bill,

H. 322. To amend Sections 7, 8, 13, 23, 28, 29, 36, 39 and 41 of an Act entitled "An Act, to regulate and provide for the military forces of the State of Alabama, and to promote its efficiency; to prescribe rules, regulations and means for its organization, armament, equipment, discipline, control and supervision; to provide for its maintenance, support and upkeep; to provide means for the enforcement of this Act; and to fix penalties and punishments for the violation of this Act." Approved September 19, 1919 and October 5, 1920.

As amended, was read a third time at length and passed.

Yeas, 67; nays, 14.

Yeas:

Messrs:

Mr. Speaker	Embry	Jones	Smith (Jefferson)
Adams	Fanning	Kilborn	Smith (Lee)
Adcock	Ferrell	Kilpatrick	Snodgrass
Allen	Fite	Long	Stewart (Calhoun)
Arrington	Forman	Luck	Tiller
Bealle	Goodwyn	McDaniel	Tunstall
Blackwell	Graves	McGowen	Varner
Bowen, L. K.	Grove	Melton	Verner
Burns	Guy	Odom	Walker
Calloway	Hampton	Parker	Wall
Cato	Henley	Patterson	Walton
Cook	Hodgson	Poole	Ware
Culver	Holcombe	Posey	Mrs. Wilkins
Deloney	Howard	Ringer	Williams
Dickinson	Howze	Rountree	Wyatt
Dowdle	Hubbard	St. John	Young
Dunwoody	Jeter	Smith (Clay)	

—67

Nays:

Messrs:

Boykin	Glover	Moxley	Sanders (Pike)
Burton	Hall	Norman	Sessions
Byars	Henson	Rives	Stewart (Bibb)
Christian	Letson		

—14

Mr. Snodgrass moved to reconsider the vote by which the bill was passed and then moved to table his motion to reconsider and the motion to table prevailed.

On motion of Mr. Snodgrass the bill, H. 322, was ordered sent to the Senate without engrossment.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Craft:

S. 388. To regulate corporations engaged in the business of issuing guaranties of title to land.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate Standing Committee as follows:

Banking and Insurance, S. 388.

BILLS ON THIRD READING.

H. 738. To create and establish a board of jury supervisors in every county in this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than ninety-five thousand people, according to the last Federal decennial census, or any such census which may hereafter be taken; to provide that the circuit judges, the judge of probate, the sheriff and the clerk of the circuit court of all such counties shall constitute the board of jury supervisors and to confer upon them all the jurisdiction and all the power and authority which is now or which may hereafter be by law vested in jury commissions in this State; to provide that they shall perform and discharge all the duties of jury commissioners without compensation, except as provided by this Act; to authorize them to elect one of their number president of such board of jury supervisors, and to provide that the clerk of the circuit court of all such counties shall be ex-officio clerk of such board of jury supervisors; to fix his salary as such clerk, the manner of its payment, and to abolish the jury commission and the clerk thereof in all such counties.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Arrington

Bealle

Boykin

Burns

Burton

Byars

Cato

Cook

Culver

Embry

Fite

Gaines

Glover

Goode

Goodwyn

Graves

Grove

Guy

Hall

Hatter

Hawkins	Jones	Norman	Sollie
Henley	Lee	Odom	Tiller
Henson	Letson	Parker	Tyson
Hodgson	Long	Poole	Varner
Holcombe	Love	Posey	Verner
Hornsby	Luck	Powell	Wall
Howard	Melton	Ringer	Ware
Howze	Moorer	Rives	Wyatt
Jeter	Moxley	St. John	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 705. To provide for the election of a county superintendent of education for Wilcox county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, and to provide for the election of his successor in office.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:			
Mr. Speaker	Dowdle	Hampton	Melton
Adams	Dunwoody	Hatter	Moxley
Adcock	Embry	Hawkins	Nichols
Allen	Fanning	Henley	Odom
Bealle	Ferrell	Henson	Parker
Boykin	Fite	Howard	Poole
Burns	Forman	Howze	Posey
Burton	Gaines	Jeter	Tiller
Byars	Glover	Jones	Tyson
Cato	Goode	Kilborn	Varner
Coleman	Goodwyn	Lee	Wall
Cook	Graves	Letson	Walton
Culver	Grove	Long	Ware
Deloney	Guy	Love	Wyatt
Dickinson	Hall	Luck	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 761. To provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners; and their terms of office and recall from office, to fix their powers, duties and compensation, to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and

certain other city officials, and otherwise provide for the creation and maintenance of said commission form of government.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glover	Letson	Rives
Adams	Goode	Long	Thompson (Jackson)
Arrington	Goodwyn	Love	Tiller
Boykin	Graves	Luck	Tunstall
Burns	Grove	Moorer	Tyson
Burton	Guy	Moxley	Varnier
Byars	Hall	Nichols	Verner
Calloway	Hatter	Norman	Walker
Cato	Henley	Odom	Wall
Cook	Henson	Parker	Walton
Culver	Howard	Pickens	Ware
Dowdle	Howze	Poole	Mrs. Wilkins
Fite	Jeter	Posey	Williams
Forman	Jones	Powell	Wyatt
Gaines	Lee	Ringer	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 644. To change and extend the city limits of the city of Montgomery, Alabama, as follows: Commencing at a point at the center of South Court street, 350 feet south of the south line of Felder avenue, thence north 75 feet, more or less, to a point opposite the center of Norwood street, thence west along the center line of Norwood street, extended and continuing westward to the center of Goode street, thence south along the center of Goode street, 796 feet, thence east 612 feet, thence north 135 feet, thence east 336 feet, to the southwest corner of the property of Arthur Pelzer, thence north 282 feet, more or less, to the south side of a fifty-foot street lying on the north side of said Pelzer property, thence east along the south side of said street 300 feet, to the center of South Court street, thence north along the center of South Court street, to the point of beginning.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Burton	Dickinson	Grove
Adams	Byars	Dowdle	Guy
Adcock	Calloway	Dunwoody	Hall
Allen	Cato	Embry	Hampton
Arrington	Coleman	Fite	Hatter
Bealle	Cook	Gaines	Hawkins
Boykin	Culver	Goodwyn	Henley
Burns	Deloney	Graves	Henson

Howze	Luck	Posey	Verner
Jeter	Melton	Powell	Walker
Jones	Moorer	Rives	Wall
Lee	Moxley	Tiller	Walton
Letson	Odom	Tunstall	Ware
Long	Parker	Tyson	Wyatt
Love	Poole	Varner	Young

—60

H. 590. To fix the compensation or salary of sheriffs of the State of Alabama in counties having more than two hundred thousand population, according to the last or any succeeding Federal census, and to provide for the method, basis and payment of such compensation.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Coleman	Grove	Moxley
Adams	Cook	Guy	Nichols
Adcock	Culver	Hall	Odom
Allen	Deloney	Hatter	Poole
Arrington	Dickinson	Henley	Posey
Bealle	Dowdle	Henson	Powell
Blackwell	Dunwoody	Hodgson	Rives
Bowen, Lewis	Embry	Holcombe	Smith (Jefferson)
Bowen, L. K.	Ferrell	Howze	Sollie
Boykin	Fite	Lee	Tiller
Burns	Gaines	Letson	Tyson
Burton	Glover	Long	Verner
Byars	Gcode	Love	Wall
Calloway	Goodwyn	Luck	Walton
Cato	Graves	Moorer	Ware

—60

S. 343. To provide for the appointment of a humane officer in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken; to define the duties and fix the compensation of said humane officer.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Cato	Gaines	Henley
Adams	Cook	Glover	Henson
Adcock	Culver	Goode	Hornsby
Allen	Deloney	Graves	Howard
Boykin	Embry	Grove	Howze
Burns	Fanning	Guy	Jeter
Burton	Ferrell	Hall	Letson
Byars	Fite	Hatter	Jones

Lee	Nichols	Ringer	Verner
Long	Norman	Rives	Walker
Love	Odom	Sollie	Wall
Luck	Parker	Tiller	Walton
Melton	Poole	Tunstall	Ware
Moorer	Posey	Tyson	Wyatt
Moxley	Powell	Varner	Young

—60

H. 366. To provide for the election of boards of education in municipalities in the State of Alabama with populations of one hundred thousand or more according to the Federal census of 1920, or any subsequent Federal census; to prescribe the times and manner for holding elections therefor; to prescribe the powers of such boards of education; to prescribe the terms of office of the members of such boards of education; and to provide for the repeal of conflicting laws or legislation.

Was read a third time at length and passed.

Yeas, 52; nays 9.

Yeas:

Messrs:

Mr. Speaker	Culver	Hawkins	Rives
Adams	Deloney	Henley	Rountree
Adcock	Dowdle	Henson	Sanders (Pike)
Allen	Dunwoody	Hodgson	Sessions
Blackwell	Fanning	Holcombe	Smith (Jefferson)
Bowen, Lewis	Ferrell	Letson	Snodgrass
Bowen, L. K.	Fite	Moxley	Sollie
Boykin	Forman	Norman	Stewart (Calhoun)
Burton	Gaines	Odom	Varner
Byars	Glover	Pickens	Walton
Calloway	Grove	Posey	Ware
Cato	Hall	Powell	Wyatt
Cook	Hampton	Ringer	Young

—52

Nays:

Messrs:

Bealle	Hatter	LeMaistre	Tunstall
Coleman	Howze	Patterson	Mrs. Wilkins
Goodwyn			

—9

And the bill was ordered sent forthwith to the Senate without engrossment.

H. 515. For the relief of Rose Huey, by validating, making binding and ordering the payment of that certain warrant, number 2958, for \$1,010.00, payable to him, issued by the board of revenue of Jefferson county, Alabama, at Bessemer, on the 17th day of July, 1922, as and for the refund to him of said sum which he had theretofore paid by error into the county treasury of said county.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Jeter	Powell
Adams	Forman	Jones	Ringer
Adcock	Gaines	Lee	Rives
Allen	Glover	Letson	Sollie
Bealle	Goode	Long	Tiller
Bowen, Lewis	Goodwyn	Love	Tyson
Bowen, L. K.	Graves	Luck	Varner
Burns	Grove	Melton	Verner
Burton	Guy	Moxley	Walker
Byars	Hall	Nichols	Wall
Cato	Hatter	Norman	Walton
Cook	Henley	Odom	Ware
Embry	Henson	Parker	Wyatt
Fanning	Hornsby	Poole	Young
Ferrell	Howze	Posey	

—60

And the bill was ordered sent to the Senate without engrossment.

H. 736. To fix the compensation for salaries of tax assessors and tax collectors in counties of 200,000 inhabitants, or more, according to the last or any subsequent Federal census; and to require such officers to pay into the county treasury of such county, or counties, all fees, commissions, costs or other emoluments which are now allowed by law.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Howze	Smith (Clay)
Adams	Gaines	Jeter	Smith (Jefferson)
Adcock	Glover	Letson	Smith (Lee)
Allen	Goode	Long	Snedgrass
Bealle	Goodwyn	Love	Sollie
Bowen, Lewis	Graves	Melton	Stewart (Bibb)
Bowen, L. K.	Grove	Odom	Stewart (Calhoun)
Boykin	Guy	Parker	Thompson (Jackson)
Burns	Hall	Poole	Tiller
Burton	Henley	Posey	Tunstall
Byars	Henson	Rives	Tyson
Cato	Hodgson	St. John	Wall
Cook	Holcombe	Sanders (Conecuh)	Ware
Culver	Hornsby	Sanders (Pike)	Wyatt
Embry	Howard	Sessions	Young

—60

And the bill was ordered sent to the Senate without engrossment.

S. 348. To establish the office of road supervisor in and for the county of Calhoun; to prescribe his qualifications and duties, to fix his salary and to provide for the method of his election or appointment.

Was read a third time at length and passed.
Yeas, 60; nays, 0.

Yeas:

Messrs:

Adams	Embry	Howard	Parker
Adcock	Fanning	Howze	Poole
Allen	Ferrell	Jeter	Posey
Bealle	Fite	Jones	Rives
Boykin	Forman	Kilpatrick	St. John
Burns	Gaines	Lee	Sessions
Burton	Glover	LeMaistre	Sollie
Byars	Goode	Letson	Tiller
Cato	Goodwyn	Long	Tyson
Cook	Graves	Love	Varner
Culver	Grove	Luck	Wall
Deloney	Guy	Melton	Walton
Dickinson	Hall	Nichols	Ware
Dowdle	Henley	Norman	Wyatt
Dunwoody	Henson	Odom	Young

—60

S. 349. To repeal an Act entitled, "An Act to regulate and secure a better working of public roads in the county of Calhoun, and to prescribe the powers and duties of various officers in relation thereto," approved February 28th, 1901.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Jones	Rountree
Adams	Fite	Kilborn	Sollie
Adcock	Forman	Lee	Tiller
Allen	Gaines	Long	Tunstall
Arrington	Glover	Love	Tyson
Bealle	Goode	Luck	Varner
Boykin	Grove	Mooneyham	Verner
Burns	Guy	Moorer	Walker
Burton	Hall	Moxley	Wall
Byars	Henley	Odom	Walton
Cato	Henson	Parker	Ware
Dowdle	Howard	Poole	Mrs. Wilkins
Dunwoody	Howze	Posey	Williams
Embry	Hubbard	Powell	Wyatt
Fanning	Jeter	Rives	Young

—60

S. 335. To amend sections 1 and 3 of an Act "To relieve all persons, other than county convicts, of any obligations to work on the public roads or to pay any penalties in default thereof, in counties of the State of Alabama whose aggregate tax values according to the complete assessments of the preceding year

amount to as much as one hundred million dollars," approved September 16, 1915 (General Acts of 1915, page 589).

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glover	Kilborn	Rives
Adams	Goode	Lee	Sollie
Adcock	Goodwyn	Letson	Tiller
Allen	Graves	Long	Tunstall
Boykin	Grove	Love	Tyson
Burns	Guy	Luck	Varner
Burton	Hall	McDaniel	Verner
Byars	Hampton	McGowen	Walker
Catc	Hatter	Melton	Wall
Cook	Hawkins	Moorer	Walton
Culver	Henley	Moxley	Ware
Embry	Henson	Odom	Mrs. Wilkins
Fite	Hodgson	Parker	Williams
Forman	Jeter	Poole	Wyatt
Gaines	Jones	Posey	Young

—60

H. 714. To provide that the tax collector of Coffee county shall pay to the treasurer of the city board of education all district taxes for school purposes where the same is levied and collected in all towns in Coffee having 1,000 population according to last or any succeeding Federal census and whose council elects a city board of education, and to provide for paying out the same by such treasurer of the city board of education.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Jones	Poole
Adams	Glover	Kilborn	Posey
Adcock	Goode	Letson	Powell
Allen	Graves	Long	Sessions
Arrington	Grove	Love	Sollie
Bealle	Guy	Luck	Tiller
Blackwell	Hall	Melton	Tunstall
Bowen, Lewis	Hampton	Moorer	Tyson
Bowen, L. K.	Hatter	Moxley	Varner
Boykin	Hawkins	Nichols	Verner
Burns	Henley	Norman	Walker
Burton	Henson	Odom	Wall
Cook	Howze	Parker	Walton
Culver	Hubbard	Patterson	Ware
Embry	Jeter	Pickens	Wyatt

—60

And the bill was ordered sent forthwith to the Senate without engrossment.

S. 210. To authorize the County Board of Education, or other school governing body by whatever name called, in all counties having a population of not less than Eighty Thousand (80,000) and not more than One Hundred and Fifty Thousand (150,000) according to the last Federal Census or any succeeding Federal Census, to pay pensions to aged and indigent teachers out of the school fund of said counties.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Cook	Holcombe	Posey
Adams	Culver	Hornsby	Powell
Adcock	Deloney	Jeter	Ringer
Allen	Dickinson	Jones	Rives
Arrington	Dowdle	Letson	Rountree
Bealle	Dunwoody	Long	Sollie
Blackwell	Embry	Love	Tiller
Boykin	Fite	McGowen	Tunstall
Burns	Gaines	Moorer	Tyson
Burton	Glover	Moxley	Varner
Byars	Graves	Odom	Verner
Calloway	Grove	Parker	Walker
Cato	Guy	Patterson	Wall
Christian	Hall	Pickens	Walton
Coleman	Hodgson	Poole	Ware

—60

H. 658. To provide for the employment, discharge and compensation of road patrolmen in all counties of the State of Alabama having a population of not less than 92,500 nor more than 150,000 according to the last or any subsequent Federal census and to define their duties.

Was taken up. Mr. Holcombe offered the following amendment to the bill:

Amend Section 1 of H. 658 by striking out the words "And all other laws on the statute books of the State of Alabama," and substituting therefor the words, "And all laws on the Statute Books relating to the operation of automobiles and motor vehicles on the Public Highways of such counties, and all traffic laws on the statute books of the State of Alabama."

And the amendment was adopted.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Bealle	Burns	Cook
Adams	Blackwell	Burton	Culver
Adcock	Bowen, Lewis	Byars	Dowdle
Allen	Bowen, L. K.	Calloway	Embry
Arrington	Boykin	Cato	Fite

Glover	Henson	Letson	Posey
Goode	Hodgson	Long	Powell
Goodwyn	Holcombe	Love	Ringer
Graves	Howard	Luck	Rives
Grove	Howze	Melton	Verner
Guy	Hubbard	Moorer	Wall
Hall	Jeter	Moxley	Walton
Hatter	Jones	Odom	Ware
Hawkins	Kilborn	Parker	Wyatt
Henley	Lee	Poole	Young

—60

Mr. Holcombe offered the following amendment to the bill:

2. Amend House bill No. 658 by striking therefrom the figures \$200 whenever they appear and inserting in lieu thereof the figures \$150.00.

And the amendment was adopted.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Cook	Hampton	Odom
Adams	Culver	Hatter	Poole
Adcock	Embry	Henson	Posey
Allen	Fanning	Hodgson	Sessions
Arrington	Ferrell	Holcombe	Sollie
Bealle	Fite	Howard	Tiller
Blackwell	Forman	Jeter	Tunstall
Bowen, Lewis	Gaines	Kilborn	Tyson
Bowen, L. K.	Glover	Long	Varner
Boykin	Goode	Love	Verner
Burns	Goodwyn	Luck	Walker
Burton	Graves	Moorer	Wall
Byars	Grove	Moxley	Williams
Calloway	Guy	Nichols	Wyatt
Cato	Hall	Norman	Young

—60

Mr. Holcombe offered the following amendment to the bill:

3. Amend House bill No. 658 by amending section 3 by striking therefrom the words "or other" where they appear in the sixth line, and inserting therefor the words "and all traffic."

And the amendment was adopted.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Bowen, L. K.	Coleman	Goodwyn
Adams	Boykin	Cook	Graves
Adcock	Burns	Culver	Grove
Allen	Burton	Deloney	Guy
Arrington	Byars	Embry	Hall
Bealle	Calloway	Fite	Holcombe
Blackwell	Cato	Glover	Hornshy
Bowen, Lewis	Christian	Goode	Howard

Howze	Luck	Poole	Tyson
Jeter	Moorer	Posey	Varner
Jones	Moxley	Rives	Verner
Kilborn	Nichols	Sessions	Walker
Letson	Norman	Sollie	Wall
Long	Odom	Tiller	Wyatt
Love	Parker	Tunstall	Young

—60

And the bill,

H. 658. To provide for the employment, discharge and compensation of road patrolmen in all counties of the State of Alabama having a population of not less than 92,500 nor more than 150,000 according to the last or any subsequent Federal census and to define their duties.

As amended, was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:			
Mr. Speaker	Forman	Howze	Patterson
Adams	Gaines	Kilborn	Pickens
Adcock	Glover	Lee	Poole
Allen	Goode	Letson	Rives
Boykin	Goodwyn	Long	Sollie
Burns	Graves	Love	Tiller
Burton	Grove	Luck	Tunstall
Byars	Guy	McDaniel	Tyson
Calloway	Hall	McGowen	Varner
Cato	Hatter	Melton	Verner
Coleman	Henley	Moxley	Walker
Cook	Henson	Nichols	Wall
Culver	Hodgson	Norman	Williams
Embry	Holcombe	Odom	Wyatt
Fite	Howard	Parker	Young

—60

H. 255. To declare a certain portion of Eighth (8th) street in the city of Florala, Alabama, according to Garrett's map of Florala shall, upon the passage and approval of this Act, cease to be a public street, and authorize B. H. Meadows, his heirs and assigns, to perpetually use and occupy said portion of said street and vesting the title to same in the said B. H. Meadows.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:			
Adams	Burton	Fite	Grove
Adcock	Byars	Forman	Guy
Allen	Cato	Gaines	Hall
Arrington	Cook	Glover	Henley
Bealle	Culver	Goode	Henson
Boykin	Dowdle	Goodwyn	Howard
Burns	Embry	Graves	Howze

Jeter	Moxley	Ringer	Tyson
Jones	Nichols	Rives	Varner
Lee	Norman	Sessions	Verner
LeMaistre	Odom	Smith (Lee)	Walker
Long	Parker	Snodgrass	Wall
Love	Patterson	Sollie	Walton
Luck	Pickens	Tiller	Wyatt
Moorer	Poole	Tunstall	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 668. To provide additional duties and confer additional powers on each member of the court of county commissioners of Crenshaw county, Alabama, in supervising the construction, maintenance and upkeep of the roads and bridges in his district; to extend the time now allowed by law to county commissioners of Crenshaw county for the discharge of their official duties and to fix their salary and mileage.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Jeter	Poole
Adams	Forman	Jones	Posey
Adcock	Gaines	Kilborn	Powell
Allen	Glover	Lee	Rives
Arrington	Goode	Letson	Sessions
Bealle	Goodwyn	Long	Stewart (Bibb)
Boykin	Graves	Love	Tiller
Burns	Grove	Luck	Tunstall
Burton	Guy	Melton	Tyson
Byars	Hall	Moorer	Varner
Cook	Hatter	Moxley	Wall
Culver	Henley	Nichols	Mrs. Wilkins
Dunwoody	Henson	Norman	Williams
Embry	Howard	Odom	Wyatt
Ferrell	Howze	Parker	Young

—60

And the bill, H. 668, was ordered sent to the Senate without engrossment.

H. 585. To define the jurisdiction of justices of the peace and notaries public who are ex-officio justices of the peace in precinct No. 3 in-Cullman county, and to provide for the services of process from their courts.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Kilborn	St. John
Adams	Forman	Lee	Sollie
Adcock	Gaines	Letson	Thompson (Jackson)
Allen	Glover	Long	Tiller
Byars	Goode	Love	Tunstall
Cato	Goodwyn	Luck	Tyson
Cook	Graves	Moorer	Varner
Culver	Grove	Moxley	Verner
Deloney	Guy	Nichols	Walker
Dickinson	Hall	Norman	Wall
Dowdle	Henley	Odom	Walton
Dunwoody	Henson	Parker	Ware
Embry	Hornsby	Poole	Williams
Fanning	Jeter	Posey	Wyatt
Ferrell	Jones	Rives	Young

—60

H. 675. Empowering the clerk of the circuit court in the county of Monroe to issue capiases for the arrest of persons charged with misdemeanors in the county court of said county and empowering said clerk to issue other process out of said county court, such as forfeiture sci fas, attachment of witnesses, etc., and to provide compensation for said service.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Kilpatrick	Poole
Adams	Fite	Lee	Powell
Adcock	Forman	LeMaistre	Ringer
Allen	Gaines	Letson	Rives
Arrington	Glover	Long	Rountree
Bealle	Goode	Love	Tiller
Blackwell	Grove	Luck	Tunstall
Byars	Guy	McDaniel	Tyson
Cato	Hall	McGowen	Varner
Deloney	Hatter	Melton	Verner
Dickinson	Henley	Moxley	Walker
Dowdle	Hornsby	Nichols	Wall
Dunwoody	Howard	Norman	Walton
Embry	Howze	Odom	Ware
Fanning	Hubbard	Parker	Wyatt

—60

H. 693. Authorizing the court of county commissioners of Henry county, Alabama, to issue interest bearing warrants of said county against the general fund thereof, in refund of all or any portion of the outstanding warrants against said fund, the highway fund and the non-interest bearing warrants of the road and bridge fund of said county, and provide for payment of such refunding warrants.

Was read a third time at length and passed.
Yeas, 60; nays, 0.

Yeas:

Messrs:

Allen	Forman	Lee	Sanders (Conecuh)
Bealle	Gaines	Letson	Sanders (Pike)
Boykin	Glover	Long	Sessions
Burns	Goode	Love	Sollie
Burton	Graves	Luck	Tiller
Byars	Grove	Moorer	Tunstall
Cato	Guy	Moxley	Tyson
Christian	Hall	Norman	Varnier
Coleman	Hatter	Odom	Verner
Cook	Henley	Parker	Walker
Culver	Hornsby	Poole	Wall
Deloney	Howard	Posey	Walton
Dunwoody	Howze	Powell	Ware
Embry	Jeter	Rives	Wyatt
Fite	Jones	St. John	Young

—60

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 573. To legalize and permit the issuance of free passes by railroad companies and public carriers to sheriffs.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same.

Delivered to Governor August 28, 1923, at 3 P. M.

H. 574.

Also:

H. 588.

Also:

H. 476.

Also:

H. 348.

Also:

H. 407.

Also:

H. 500.

Also:

H. 620.

Also:

H. 622.

Also:

H. 624.

Also:

H. 623.

Also:

H. 621.

Also:

H. J. R. 90. Relative to the appointment of a Committee concerning the placing of the statue of General Joseph Wheeler in the Hall of Fame in the Capitol at Washington.

J. H. Stewart,
Clerk.

ADJOURNMENT.

On motion of Mr. Howze the House adjourned until 10 o'clock A. M. tomorrow morning.

THIRTY-EIGHTH DAY.

House of Representatives,
Wednesday, Aug. 29th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Adams of the House.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Arrington

Ashcraft (Lauderd'l)

Bealle

Blackwell

Bowen, Lewis

Bowen, L. K.

Boykin

Burns

Burton

Byars

Calloway

Cato

Christian

Coleman

Cook

Culver

Deloney

Dickinson

Dowdle

Dunwoody

Embry

Fanning

Ferrell

Fite

Forman

Gaines

Glover

Goode

Goodwyn

Graves

Grove

Guy

Hall

Hampton

Hatter

Hawkins

Henley

Henson

Hodgson

Holcombe

Hornsby	McGowen	Ringer	Thompson (Jackson)
Howard	Melton	Rives	Tiller
Howze	Mooneyham	St. John	Tunstall
Hubbard	Moorer	Sanders (Conecuh)	Tyson
Jeter	Moxley	Sanders (Pike)	Varner
Jones	Nichols	Sessions	Verner
Kilborn	Norman	Smith (Clay)	Walker
Kilpatrick	Odom	Smith (Jefferson)	Wall
Lee	Parker	Smith (Lee)	Walton
Letson	Patterson	Snodgrass	Ware
Long	Pickens	Sollie	Mrs. Wilkins
Love	Poole	Stewart (Bibb)	Williams
Luck	Posey	Stewart (Calhoun)	Wyatt
McDaniel	Powell	Thompson (Etowah)	Young

—100

A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said committee has carefully examined the Journal of the House for the 37th Legislative Day and finds same correct.

O. W. Melton,
Chairman.

The report of the committee was concurred in and adopted and the Journal for the 37th Legislative Day was approved.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted to Messrs. Rountree and LeMaistre.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bill and House joint resolutions with the engrossed and original bill, respectively, and find same correctly enrolled, to-wit:

H. J. R. 135. Relative to appointing a committee of five to invite Hon. James J. Davis to address the two houses in joint session.

Also:

H. J. R. 132. Relative to the Governor sending greetings from the State of Alabama to the Alabama Legionnaires assembled in convention at Mobile.

Also:

H. 573. To legalize and permit the issuance of free passes by railroad companies and public carriers to sheriffs.

Jos. A. Smith,
Chairman.

SIGNING OF BILLS AND JOINT RESOLUTIONS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill and House joint resolutions, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

H. 658. To provide for the employment, discharge and compensation of road patrolmen in all counties of the State of Alabama having a population of not less than 92,500 nor more than 150,000 according to the last or any subsequent Federal census and to define their duties.

Also:

H. 644. To change and extend the city limits of the city of Montgomery, Alabama, as follows: Commencing at a point at the center of South Court street, 350 feet south of the south line of Felder avenue, thence north 75 feet, more or less, to a point opposite the center of Norwood street, thence west along the center line of Norwood street, extended and continuing westward to the center of Goode street, thence south along the center of Goode street, 796 feet, thence east 612 feet, thence north 135 feet, thence east 336 feet, to the southwest corner of the property of Arthur Pelzer, thence north 282 feet, more or less, to the south side of a fifty-foot street lying on the north side of said Pelzer property, thence east along the south side of said street 300 feet, to the center of South Court street, thence north along the center of South Court street, to the point of beginning.

Also:

H. 590. To fix the compensation or salary of sheriffs of the State of Alabama in counties having more than two hundred thousand population, according to the last or any succeeding Federal census, and to provide for the method, basis and payment of such compensation.

Also:

H. 675. Empowering the clerk of the circuit court in the county of Monroe to issue capias for the arrest of persons charged with misdemeanors in the county court of said county and empowering said clerk to issue other process out of said county

court, such as forfeiture sci fas, attachment of witnesses, etc., and to provide compensation for said service.

Also:

H. 693. Authorizing the court of county commissioners of Henry county, Alabama, to issue interest bearing warrants of said county against the general fund thereof, in refund of all or any portion of the outstanding warrants against said fund, the highway fund and the non-interest bearing warrants of the road and bridge fund of said county, and provide for payment of such refunding warrants.

Also:

H. 585. To define the jurisdiction of justices of the peace and notaries public who are ex-officio justices of the peace in precinct No. 3 in Cullman county, and to provide for the services of process from their courts.

Lee Glenn,
Chairman.

The report of the committee was concurred in and adopted.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Cato:

H. J. R. 139. Be it resolved by the House, the Senate concurring, That on and after the thirty-eighth legislative day the two houses of the Legislature convene at ten o'clock A. M. and remain in session until one o'clock P. M. and reconvene on each legislative day at three o'clock P. M. and that each house of the Legislature convene and remain in session not less than four days of each current week, the remainder of this session of the Legislature.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Long:

H. J. R. 140. Be it resolved by the House, That H. 816, to amend Sec. 10-11 and 11½ H. 294, approved Aug. 26, 1923, be made a special, paramount, continuing order for Friday, Aug. 31st, immediately after the reports of standing committees.

And the resolution was referred to the Standing Committee on Rules.

By Mrs. Wilkins:

H. R. 141. Resolved, That H. 743 proposing an amendment to the Constitution of Alabama authorizing the levying of a 4-mill tax for school purposes, etc., be made a special, paramount, continuing order for the 40th legislative day immediately after reports of standing committees.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Howze:

H. R. 142. Be it resolved, That H. 458, entitled an Act to make an appropriation of \$200,000.00 for the purchase of land and erection of a sanatorium to be known as the Alabama Tuberculosis Sanatorium, and to be expended for the prevention and cure of tuberculosis, by the board of trustees of the Alabama Tuberculosis Sanatorium, and H. 459 entitled an Act to make appropriations for the upkeep and maintenance of a sanatorium for tuberculosis, be and the same are hereby made a special and continuing order for the 39th legislative day.

And the resolution was referred to the Standing Committee on Rules.

By Rules Committee:

H. R. 143. Resolved, That House bill 720 be made a special, paramount and continuing order of business on Wednesday, August 29th, immediately after the special orders heretofore made, the title of said bill being as follows: H. 720. To authorize the Governor of the State of Alabama, for and in the name of and in behalf of the State of Alabama, to rescind any contract of purchase of land at the request of the grantor, and reconvey the land in cases where the land was conveyed to the State with the understanding or agreement that a school or other institution was to be established and or maintained by the State thereon, if the State by and through its proper officers has abandoned the use of the land for the purpose for which it was acquired; provided the purchase price paid for such land and value of permanent improvements erected by the State on the land, less a credit for any and all money collected by the State as a result of fire or other casualty, or in any way on account of said land or any part thereof, is refunded to the State at the time of reconveyance.

And the resolution was adopted.

By Mr. Norman:

H. R. 144. Resolved, That House bill 40, page 26, of today's calendar being a bill to provide for the registration of trade marks and to provide punishment for any infringements thereof, be and is made a special, paramount, continuing special order for 40th legislative day immediately after the reading of the Journal.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Tunstall:

H. J. R. 145. Resolved by the House, the Senate concurring, That when the two houses adjourn today that they adjourn to meet Friday, Aug. 31st, at 10 o'clock A. M.

And the rules were suspended and the resolution was adopted.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate standing committees as follows: By Mr. Cato:

H. 847. To require the clerk of the Supreme Court, and the clerk of the Court of Appeals to furnish the circuit judges in all cases and the circuit solicitors in criminal cases of the various circuits of this State, copies of opinions in all cases appealed from their circuits.

Judiciary.

By Mr. Long:

H. 848. To repeal section 49 and section 50 of an Act entitled "An Act, to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders, and penalties for failure to comply with the orders of the commission or with the provisions of this Act," approved October 1, 1920.

Commerce and Common Carriers.

By Mr. Burton (notice and proof):

H. 849. To provide for the election of a county superintendent of education for Chambers county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for an election to be held to elect such county superintendent under this Act and to provide for the election of his successor in office.

Local Legislation.

Notice and proof, H. 849:

NOTICE OF LOCAL LAW.

Notice is hereby given that the following bill will be presented to the present Alabama Legislature for enactment into law:

A bill to be entitled an Act:

To provide for the election of a county superintendent of education for Chambers county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for an election to be held to elect such county superintendent under this Act and to provide for the election of his successor in office.

Be it enacted by the Legislature of Alabama:

Section 1. That a county superintendent of education for Chambers county, Alabama, shall be elected by the qualified electors of Chambers county, Alabama, who shall hold office until his successor is elected and qualified as herein provided.

Section 2. That at the next general election to be held in said county and state a county superintendent of education for Chambers county, Alabama, shall be elected, who shall hold office for a term of four years and until his successor is elected and qualified, unless sooner removed for good cause, and each four years thereafter, a county superintendent of education for Chambers county, Alabama, shall be elected by the qualified voters of said county at the regular election, nomination for which office may be made in primary elections as other county officers.

Section 3. That the salary of said county superintendent of education shall be fixed by the county board of education of Chambers county, Alabama, which salary shall not be less than \$1,800 nor more than \$2,400 per annum, and which salary shall be paid in the same way and manner as now provided under the general laws of the State of Alabama for the payment of county superintendent of education in the several counties of the State.

Section 4. That said county superintendent of education shall be charged with the same duties and shall exercise the same powers as are now provided by the general school laws of the State of Alabama in the conduct of the office of county superintendents of education; and no person shall be eligible for the office of county superintendent of education of said county of Chambers who is not a graduate of a standard normal school, or who has not completed courses in other institutions that are equivalent to such education or who does not hold a first grade or life certificate, and in addition thereto has had at least three years of successful teaching experiences, two years of which must have been in the rural public schools of Alabama; that no person shall be eligible to such office who is not a qualified elector of Chambers county, Alabama, at the time of the nomination or election to such office.

Section 5. That in the event of a vacancy in said office for any cause, except removal, such vacancy shall be filled by the county board of education, and the person so appointed shall hold office until the next general election thereafter when his successor shall be elected; that should any county superintendent be removed for cause by the county board of education of Chambers county, such vacancy shall be filled by appointment of the State Superintendent of Education, and his appointees shall hold office as in the case provided by appointment of the county board of education. Provided, that the county board of education may remove the county superintendent of education for immorality, misconduct in office, incompetency, or willful neglect of duty, or when the best interests of the schools require it; any of which causes must be alleged and proved, and the county superintendent of education shall have the right to be heard in his defense as in cases of impeachment against county officers, and all such hearings shall be before the county board of education and shall be conducted as in cases provided under the general laws for impeachment of county officers, and provided that upon such removal for cause any county superintendent may appeal to the circuit court and have a trial by jury.

Section 6. That the duties and powers prescribed by the general laws of Alabama for the office of county superintendents in the supervision of the schools of the several counties shall apply to and be incumbent upon the county superintendent. The county superintendent elected or appointed under the provisions of this Act, and before entering upon the duties of said office he must take the oath of office prescribed by the Constitution, and give bond in an amount to be fixed by the State Board of Education in a reputable surety company, authorized to do business in Alabama, conditioned upon the faithful performance of the duties of his office, and upon the accounting and paying over to the proper authority all monies coming into his hands.

Section 7. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

D. G. O'Neal, bookkeeper for the LaFayette Sun, LaFayette, Ala., being duly sworn, deposes and says that the attached notice of local law was published in the LaFayette Sun for four consecutive weeks, dates Aug. 2, 9, 16, 23.

(Signed) D. G. O'Neal.

Sworn to and subscribed before me this 27th day of Aug., 1923.

Will O. Walton,
Notary Public.

By Mrs. Wilkins:

H. 850. To propose an amendment to section 124 of the Constitution of the State of Alabama and to order an election by the qualified electors of the State upon such proposed amendment, which election shall be held at the general election next succeeding this session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to section 124 of the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State upon such proposed amendment, which election shall be held at the general election next succeeding this session of the Legislature at which this amendment is proposed. The proposed amendment is as follows, namely:

Section 124. The Governor shall have power to grant reprieves, commutation of sentence and pardons; but pardons shall only be granted upon written recommendation of a majority of the State Prison Commission hereinafter created. Pardons in felony cases and for other crimes involving moral turpitude shall not relieve from civil and political disabilities unless upon the written approval of the State Prison Commission and so specified in the pardon. There is hereby created a State Prison Commission consisting of three members, to be appointed by the Governor and confirmed by the Senate. The terms of the first members of the commission shall be four, eight and twelve years, respectively, and the terms of their respective successors shall be twelve years. The State Prison Commission shall have exclusive jurisdiction, control and management of all State and county ~~convicts; and of convict department; its properties, its revenues~~ and expenditures; and shall have exclusive power and authority to grant and to revoke paroles, to remit fines and forfeitures, to grant short time for good conduct, and to originate, ordain, execute and enforce all necessary rules and regulations for the exercise of the exclusive power and authority herein conferred on such State Prison Commission. Nothing herein shall be construed to limit in any way the authority of the Legislature of Alabama, to enact such laws concerning the granting of paroles, reprieves, and commutations of sentences, and concerning convict department, as in its judgment shall be advisable.

This amendment to the Constitution shall become effective upon the first Monday after the second Tuesday in January, nineteen hundred and twenty-seven.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor which shall be published in one newspaper once a week, in every county in the State for at least 8 consecutive weeks, next preceding the date hereby appointed for such election.

Section 3. At the election hereby ordered to be held herein provided, the qualified electors shall vote on said proposed amendment and on the official ballot printed for such election there shall be printed the following, viz.:

"Shall the following be adopted as section 124 of the Constitution of Alabama?"

Section 124. The Governor shall have power to grant reprieves, commutation of sentence and pardons; but pardons shall only be granted upon written recommendation of a majority of the State Prison Commission hereinafter created. Pardons in felony cases and for other crimes involving moral turpitude shall not relieve from civil and political disabilities unless upon the written approval of the State Prison Commission and so specified in the pardon. There is hereby created a State Prison Commission, consisting of three members, to be appointed by the Governor and confirmed by the Senate. The terms of the first members of the commission shall be four, eight and twelve years, respectively, and the terms of their respective successors shall be twelve years. The State Prison Commission shall have exclusive jurisdiction, control and management of all State and county convicts; and of convict department, its properties, its revenues and expenditures; and shall have exclusive power and authority to grant and to revoke paroles, to remit fines and forfeitures, to grant short time for good conduct, and to originate, ordain, execute and enforce all necessary rules and regulations for the exercise of the exclusive power and authority herein conferred on such State Prison Commission. Nothing herein shall be construed to limit in any way the authority of the Legislature of Alabama, to enact such laws concerning the granting of paroles, reprieves, and commutations of sentences, and concerning Convict Department, as in its judgment shall be advisable.

This amendment to the Constitution shall become effective upon the first Monday after the second Tuesday in January, nineteen hundred and twenty-seven.

"Yes....." "No....."

The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 3. The votes cast at such election shall be canvassed, tabulated and returns thereof made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama at the time specified therein. The result of such election shall be made known by proclamation of the Governor.

The above and foregoing bill proposing an amendment to the Constitution was read one time at length and referred to the Standing Committee on Judiciary.

By Mr. Williams:

H. 851. To amend section 1407 of the Code of 1907.

Municipal Organization.

By Mr. Thompson of Jackson:

H. 852. To provide for a trial fee in civil cases tried in the justice of the peace court, where the suit is contested.

Revision of Laws.

By Mr. Fite:

H. 853. To amend sections 2 and 15 of an Act entitled "An Act to regulate the mining of coal in Alabama" approved April 18, 1911, and as amended by an Act approved 30th day Sept., 1919.

Mining and Manufacturing.

By Mr. Howze (with notice and proof) (by request):

H. 854. For the relief of Mrs. Lola Staten, Mrs. Evaline Tolbert, Willie Banks, Lizzie Easterwood, K. H. Isbell, Sammy Isbell, Dan Isbell, Ola Isbell, Dallas Isbell, Ollie Isbell and Louis Isbell.

Ways, Means and Appropriations.

Notice and proof, H. 854:

AN ACT

For the relief of Mrs. Lola Staten, Mrs. Evaline Tolbert, Willie Banks, Lizzie Easterwood, K. H. Isbell, Sammy Isbell, Dan Isbell, Ola Isbell, Dallas Isbell, Ollie Isbell and Louis Isbell.

Whereas, George Delaney, a late resident of Hale county, Alabama, was born a foreigner and outside the jurisdiction of the United States and died intestate on the 29th day of August, 1912, and,

Whereas, the probate court of Hale county, Alabama, issued letters of administration on the estate of said George Delaney, deceased, and in due course and according to law the proceeds from said estate escheated to the State of Alabama, in accordance with the final decree of the probate court of said county rendered on December 9th, 1916, and the sum of \$8,376.35 was paid into the treasury of the State of Alabama as the net proceeds of said estate; and,

Whereas, the above named parties who constitute all of the heirs and next of kin of said George Delaney, deceased, who have never received any share, part or interest of, or in said estate; and,

Whereas, all of said heirs of the said George Delaney, deceased, are interested in said estate, now therefore:

Be it enacted by the Legislature of Alabama, as follows:

Section 1. There is hereby appropriated out of the general educational fund of the State of Alabama for the fiscal year beginning October 1st, 1923, the sum of \$8,376.35 to the following named persons: Mrs. Lola Staten, Mrs. Evaline Talbert, Willie Banks, Lizzie Easterwood, K. H. Isbell, Sammy Isbell, Dan Isbell, Ola Isbell, Dallas Isbell, Ollie Isbell and Louise Isbell as their interest may appear.

Section 2. The money appropriated by section 1 of this Act shall be paid upon warrants drawn by the State Auditor on the Treasurer of the State of Alabama, each for an amount to be ascertained by the probate judge of Hale county, Alabama, and payable to each of the several parties mentioned in said section 1, their attorney or personal representative. Provided, that the probate judge of Hale county, Alabama, shall set a day to hear and consider the evidence for and against the claims of the persons mentioned in section 1 of this Act, of which hearing the Attorney General of the State of Alabama shall have at least ten days notice, and said probate judge shall render a decree in accordance with his findings, determining whether or not the said claimants are the legal heirs and next of kin of the said George Delaney, then upon delivering a certified copy of said decree to the said Auditor, the said warrant shall be so drawn as their interest appeared, but in the event said decree should determine that the said claimants are not the legal heirs and next of kin of the said George Delaney, deceased, then no warrant shall issue.

State of Alabama, }
Jefferson County. }

Personally appeared before me the undersigned authority in and for said county in said State, J. C. Sheehan, who is known to me and who being by me first duly sworn deposeeth and saith as follows:

That he is the advertising manager of the Southern Labor Review, a weekly paper published in Jefferson county, Alabama, and that the attached publication was published in said paper for four consecutive weeks, in the issues of August 8, 15, 22, 29, 1923.

Sworn to and subscribed this the 29th day of August, 1923.

J. C. Sheehan,
J. C. Arnold,
Notary Public.

By Mr. Goodwyn:

H. 855. To amend sections 12 and 15 of an Act to establish the court of appeals for the State of Alabama and to provide for the transfer of certain causes now pending in the supreme court to said court of appeals, approved March 9th, 1911 so as to read as follows:

Judiciary.

By Mr. Tunstall:

H. 856. To establish and regulate liens in favor of jewelers, watchmakers and silversmiths who shall alter, repair or do any work on any article of personal property, and to regulate the procedure for enforcement thereof.

Judiciary.

By Mr. Tunstall:

H. 857. To regulate the sale at public auction of gold, silver, plated ware, precious stones, watches, clocks, jewelry, books,

bric-a-brac, rugs, clothing, china, crockery, glass ware and leather goods, and to provide penalties for the violation thereof.

Judiciary.

By Mr. Goodwyn:

H. 858. To amend section 3319 of the Alabama Code of 1907.
Judiciary.

BILLS ON SECOND READING.

Mr. Graves, acting chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 816. To amend sections ten, eleven, and eleven and one-half of an Act entitled "An Act in reference to and to further provide for the general revenue of the State of Alabama, approved August 22nd, 1923."

Mr. Walker, chairman of the Standing Committee on Revision of Laws, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 769 (with substitute). To amend section 5652 of the Code of Alabama of 1907.

Mr. Walker, chairman of the Standing Committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 785. To authorize and empower the courts of county commissioners, boards of revenue, or other like governing bodies, in the several counties of the State of Alabama, to prepare or cause to be prepared complete tract books, showing a complete record of all entries of lands located and situated in each of the said several counties, and to prepare or cause to be prepared complete field notes; and to provide for the payment of same.

H. 800. To amend an Act, approved October 1st, 1920, entitled "An Act to amend section 9 of an Act entitled an Act to provide for the appointment of an official court reporter by each circuit judge in Alabama; to fix their compensation, define their duties, and provide for special reporters in certain cases," approved September 25, 1915."

H. 827. To amend subdivision (3) of section 3481 of the Code of Alabama of 1907.

S. 341. For the relief of W. M. Teal and the estate of B. C. Cox.

Mr. Luck, chairman of the Standing Committee on Local Legislation, reported that said committee in session had acted on

the following bills and ordered same returned to the House with a favorable report:

H. 793. To provide for the election of a county superintendent of education for Blount county, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the term and compensation of such officer.

H. 792. To prevent live stock from running at large in Blount county, Alabama.

H. 794. To amend Sec. 12 of the Blount county road law, which is an Act entitled "An Act to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Blount county, Alabama; to define the duties and powers of the court of county commissioners with regard to same, and to fix penalties for the violation of the rules, regulations and laws of the court of county commissioners," and approved February 18, 1919.

H. 795. To provide for the election of a county treasurer for Blount county, Alabama, to fix the time of election, to name the maximum salary per year, to fix term of office.

Mr. Verner, chairman of the Standing Committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 342. To amend sections 6 and 17 of an Act, "Relating to dependent, neglected or delinquent children in all counties of Alabama, which now have, or which hereafter may have, a population of not less than seventy-five thousand people and not more than ninety-five thousand people according to the last Federal census or any such census that may be taken hereafter; to declare who are dependent, neglected or delinquent children, to declare that such children shall be wards of the State, to provide for their custody, discipline, supervision, care, protection, guardianship, and welfare; to create and establish in such counties juvenile courts and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction under the terms of this Act; to try and determine the question of dependency, neglect or delinquency of children in such counties; and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training, and generally to confer upon such court jurisdiction and power to try and determine all questions arising under the terms of this Act or which may otherwise be referred to them by law for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction or to carry out the purpose and intent of this Act; to provide for the trial and punishment of those who aid, abet, cause or

connive at or contribute to the delinquency, neglect or dependency of such children; to provide and regulate the procedure in such cases; to confer power upon such courts to make rules and regulations, and to provide such forms when not otherwise provided for, under the terms of this Act as shall be found necessary or convenient to the exercise of its jurisdiction or for the conduct of probation or their work, as provided for in this Act; to provide for the taking and enforcing of recognizances and bonds; and for the taking of appeals from the decisions of such courts; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent as provided under the terms of this Act; and for the appointment of an advisory board to such court and to define the duties and powers of such court; to provide for the appointment of the judge and other officers of such court and to define their powers and duties; and to provide for their compensation; to declare that should any part of this Act be found unconstitutional that it shall not affect the remainder thereof and to provide for the repeal of all laws in conflict with this Act." Approved October 2nd, 1920.

H. 724. To provide for the issuance of subpoenas and attendance of witnesses in criminal cases, from time to time, and as often as any case is set for trial, in all judicial circuits in the State having more than two and less than five circuit judges."

H. 797. To confirm, ratify and validate all warrants of the county of Marengo heretofore issued by the judge of probate, under the authority of the commissioners court of said county, in all cases wherein said county has received the benefit of the goods, wares or merchandise furnished the said county, or the work and labor done for said county, or any service rendered to said county, for any lawful purpose, by any person, firm or corporation, and which said goods, wares or merchandise, or work and labor, or other service, was accepted and used for the benefit of said county, in the lawful business of said county, and to make the said warrants valid, legal and binding upon the said county to the same extent as if all requirements of law had been fully complied with by the said commissioners court and probate judge prior to the issuance of said warrants.

H. 796. To enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to provide that said commission shall have the same powers and jurisdiction over public utilities engaged in interstate commerce not regulated under acts of the Congress of the United States as said commission has over public utilities engaged in intrastate commerce within the State.

H. 798. To confirm, ratify and validate all six per centum interest-bearing warrants, which have heretofore been or may hereafter be, issued by authority of the commissioners court of the county of Marengo, for the purpose of refunding the existing lawful indebtedness of said county, under the power conferred by an Act approved September 28th, 1920, or any other provision of law.

H. 846. To authorize the board of revenue of Montgomery county, Alabama, to appropriate the sum of five hundred fifty and 56/100 (\$550.56) dollars for the relief of Mrs. Eugenia Prescott for funeral expenses of J. W. Prescott, who was killed while aiding officers of the law in attempting to make an arrest.

Mr. Verner, chairman of the Standing Committee on Judiciary, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 838 (with amendment). To provide for the selection of delegates to any national party convention whenever a citizen of the State of Alabama is a candidate for the nomination by any political party as its candidate for election as President of the United States.

Mr. Walton, chairman of the Standing Committee on Penitentiary and Criminal Administration, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

S. 191 (with amendment). Providing for the execution of convicts, condemned to death, by electrocution; prescribing the procedure in such cases; providing the means for accomplishing the purposes of this Act; and repealing all laws or parts of laws in conflict herewith.

Mr. Patterson, chairman of the Standing Committee on Public Printing, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 526. To provide for the printing and binding of additional copies of the Acts and joint resolutions of the Legislature, and payment therefor.

The above and foregoing bills were severally read a second time and placed upon the calendar.

BILLS REPORTED ADVERSELY.

Mr. Walker, chairman of the Standing Committee on Revision of Laws, reported that said committee in session had acted

on the following bill and ordered same returned to the House with an adverse report:

H. 766. To require that no stationery, books, blank books, office supplies or office material in any one order aggregating more than twenty-five (\$25.00) dollars shall be purchased by any of the county officials of the several counties of the State of Alabama unless prior to the purchase of the same a bid has been requested from all of the persons, firms and corporations doing business within the State of Alabama who have notified such county officials that they desire to bid on such stationery, books, blank books and office supplies or any part of the same, and fixing penalty for the violation of this Act and requiring that same be purchased from the lowest and best bidder.

Mr. Pattersn, chairman of the Standing Committee on Public Printing, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 337. To require the several county officials of the different counties of the State of Alabama to secure the approval of the board of revenue, or court of county commissioners, before making any purchases for the stationery or supplies for their respective offices.

H. 598. To require that all stationery, books, blank books, office supplies and office material for the use of the several State offices, departments, commissions, bureaus and boards, and for the use of the offices and officials of the several counties of the State, be purchased from persons, firms or corporations whose principal place of business is within the State of Alabama, and requiring that all printing used by the several departments of the State and the several counties of the State shall be done within the State of Alabama.

REPORT OF RULES COMMITTEE.

Mr. Tunstall, acting chairman of the Standing Committee on Rules, returned to the House the following resolutions with a favorable report:

H. R. 130. Making H. 338 a special order for 40th legislative day after reports of standing committees.

Also:

H. R. 131. Making House bill 582 a special order for the 38th legislative day.

Also:

H. R. 134. Making H. 222 a special order for the 39th legislative day after reports of standing committees.

Also:

H. R. 137. Making S. 337 a special order for the 40th legislative day after H. 130.

Also:

By Mr. Hodgson:

H. J. R. 136. Whereas, the Budget Committee has made provision for funds to continue the development of the State Normal School at Daphne, Baldwin county, Ala., and

Whereas, the Legislature of Alabama in 1919 by statute enacted placed said normal school at Daphne on a class A basis, and

Whereas, it is the sense of this Legislature that educational justice to the great southwest section of the State demands immediate steps to be taken to insure the opening of the institution in September.

Therefore, be it resolved by the House, the Senate concurring, That the State Board of Education take steps immediately, first for the selection of a president and faculty for said school for the coming session. Second, for the prescribing of a class A course of study for said school for the present session.

And the above resolutions were adopted.

Mr. Tunstall, acting chairman of the Standing Committee on Rules, returned to the House:

H. J. R. 138. Empowering the Governor to appoint a commission of three from the House and two from the Senate, who shall act with the chairman of the State Tax Commission to investigate the question of taxation in this State, etc.

With the request that said H. J. R. 138 be recommitted to the Standing Committee on Ways, Means and Appropriations. And said resolution, H. J. R. 138, was recommitted to the Standing Committee on Ways, Means and Appropriations.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Ellis:

S. 305. To amend an Act entitled "An Act to amend section 153 of the Code of Alabama," approved September 30th, 1919.

Also:

By Mr. Foster (by request) (with notice and proof):

S. 168. To enlarge and extend the boundaries of the corporate limits of the city of Tuscaloosa, Alabama.

With notice and proof thereto attached and herewith exhibited, as follows:

The State of Alabama, }
County of Tuscaloosa. }

Before me, C. H. Penick, a Notary Public in and for said County and State, on this day personally appeared Aaron Miller, who is known to me,

and who after being by me first duly sworn deposes and says, under oath, that he is the editor, and one of the owners of the Tuscaloosa News Publishing Company, publishing the West Alabama Breeze, a weekly newspaper published in the city and county of Tuscaloosa, State of Alabama, and that the following notice, to-wit:

LEGAL NOTICE

Notice is hereby given that there will be introduced and offered for passage at the present session of the Legislature of Alabama, which reconvenes on July 10, 1923, a bill applicable to the city and the part of the county of Tuscaloosa, Alabama, substantially as follows:

A Bill to be known as an Act to enlarge and extend the boundaries of the corporate limits of the city of Tuscaloosa, Alabama.

Section One. Be it enacted by the Legislature of Alabama, That all that tract of land included within the following boundaries, viz.:

Beginning at a point on the west bank of the Warrior river where the center line north and south through section twenty-one, township 21, south, range 10 west, intersects the low water mark of said river and running thence south along said center line through said section 21 and along the center line through section twenty-eight, to the south line of said section 28, thence east along the south line of section 28 and the south line of section 27 and section 26, to the southeast corner of the southwest quarter of the southwest quarter of said section 26, thence north parallel with the west line of said section 26, to the north margin of the Hargrove road, thence eastwardly along the said north line of the said Hargrove road to the intersection of the same with the center line north and south through section 25, thence north along the center line through sections 25, 24 and 13 to the south line of the right of way of the main line of the Louisville and Nashville railroad, thence eastwardly along the said south line of the right of way of the main line of the Louisville and Nashville railroad to the intersection of the same with the west line of the public road leading from Alberta City to Holt, thence northwardly along the said west line of said public road to the intersection of the same with the center line east and west through the center of section 8, township 21, south, range 9 west, thence west along said center line through the center of sections 8 and 7, to low water line on the west bank of the Warrior river, thence southwardly along said low water line on the west bank of the Warrior river to the point of beginning; shall be and shall constitute the city of Tuscaloosa, and shall be designated and known by the name of the City of Tuscaloosa.

Section Two. Be it further enacted, That all laws, general and special, in conflict with the provisions of this Act are hereby repealed; provided, however, that nothing herein contained shall affect the rights, privileges and immunities heretofore granted by the laws of this State to the University of Alabama and to the Alabama Insane Hospital.

Was published once a week for four consecutive weeks in the said newspaper, in accordance with the constitutional requirements in regard to notices regulating the passage of local laws in the State of Alabama.

Aaron Miller.

Sworn to and subscribed before me on this the 9th day of July, 1923.

C. H. Penick,

Notary Public, Tuscaloosa County, Ala.

Also:

By Mr. Inzer:

S. 397. To amend section 5652 of the Code of Alabama of 1907.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Judiciary, S. 305.

Local Legislation, S. 168.

Commerce and Common Carriers, S. 397.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 268. To define, license, regulate and control billiard rooms and to fix penalties for the violation of this Act.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House non-concurred in the Senate amendment to the bill, H. 268, said Senate amendment being as follows:

Amend by striking out the words 12 o'clock midnight where it appears in section 7 of said bill and adding in lieu thereof the words "11 o'clock P. M."

Amend section 16 of H. 268, so as to read as follows:

Section 16. Every licensed billiard room keeper who shall violate any of the provisions of this law, except as herein provided, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$50.00 nor more than \$250.00 for the first conviction; and upon the second conviction shall forfeit the full amount of the bond to the State and thereafter no license shall be issued to such billiard room keeper.

Amend House bill 268 by striking from section 15 the words "or bona fide clubs" in line 9.

Yeas, 1; Nays, 84.

Yeas:

Mr. Bealle—1.

Nays:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Blackwell

Bowen, Lewis

Bowen, L. K.

Boykin

Burns

Calloway

Cato

Christian

Coleman

Cook

Culver

Deloney

Dickinson

Dowdle

Dunwoody

Elliott

Embry

Fanning

Fite

Forman

Gaines

Glover

Goodwyn

Grove

Hall

Hampton

Hawkins

Henley

Henson	Love	Poole	Stewart (Calhoun)
Hodgson	Luck	Posey	Thompson (Jackson)
Holcombe	McDaniel	Powell	Tiller
Hornsby	McGowen	Ringer	Tunstall
Howard	Melton	Rives	Varner
Howze	Mooneyham	St. John	Walker
Jeter	Moorer	Sanders (Pike)	Wall
Jones	Moxley	Sessions	Walton
Kilborn	Norman	Smith (Clay)	Ware
Kilpatrick	Odom	Smith (Jefferson)	Mrs. Wilkins
Lee	Parker	Smith (Lee)	Williams
Letson	Patterson	Snodgrass	Wyatt
Long	Pickens	Stewart (Bibb)	Young

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And on motion of Mr. Jeter, a committee of conference on the disagreement of the two houses on the Senate amendment to the bill, H. 268, was requested.

NOTICE GIVEN.

Mr. Long gave notice that on the next legislative day he would move to take H. 598 from the adverse calendar.

Mr. Fite gave notice that on the next legislative day he would move to take H. 766 from the adverse calendar.

BILL ON THIRD READING.

H. 648. A bill to be entitled an Act to propose to amend Section 194½ of the Constitution of Alabama so as to exempt certain persons who served in the Military or Naval service of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes and to qualify such persons to vote or hold office in the State of Alabama and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the regular session of the present Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. That it is proposed to amend Section 194½ of the Constitution of Alabama and an election by the qualified electors of the State is hereby ordered upon such proposed amendment and the day appointed for such election is the first Monday after the expiration of three months from and after the final adjournment of the regular session of the present Legislature at which this amendment is proposed.

It is proposed that Section 194½ of the Constitution of the State of Alabama be amended so as to read as follows:

Section 194½. No person who honorably served in the Military or Naval service of the United States between January 1, 1917, and November 11, 1918, shall be required to pay the poll

tax mentioned in the Constitution of Alabama; such persons shall be exempt from the payment of all poll taxes which have accrued or may hereafter accrue. This section shall be self executing and retroactive. The Judge of Probate shall issue certificates of exemption from the payment of such poll taxes to the persons entitled thereto under such rules and regulations as may be prescribed by the Governor.

Section 2. Notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment and on the official ballot printed for such election there shall be printed the following:

"Shall the following proposed amended Section 194½ of the Constitution of Alabama be adopted?"

"No person who honorably served in the Military or Naval service of the United States between January 1, 1917, and November 11, 1918, shall be required to pay the poll tax mentioned in the Constitution of Alabama; such persons shall be exempt from the payment of all poll taxes which have accrued or may hereafter accrue. This section shall be self executing and retroactive. The Judges of Probate shall issue certificates of exemption from the payment of such poll taxes to the persons entitled thereto under such rules and regulations as may be prescribed by the Governor."

"Yes....."

"No....."

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this act, the law governing general elections and the Constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama.

The result of such election shall be made known by a proclamation of the Governor.

Was read a third time at length and passed.

Yeas, 79; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Kilborn	Rives
Adams	Embry	Kilpatrick	Sanders (Pike)
Adcock	Fanning	Lee	Sessions
Allen	Fite	Letson	Smith (Clay)
Arrington	Forman	Luck	Smith (Jefferson)
Bealle	Goode	McDaniel	Smith (Lee)
Bowen, Lewis	Goodwyn	McGowen	Snodgrass
Bowen, L. K.	Graves	Melton	Sollie
Boykin	Grove	Mooneyham	Stewart (Bibb)
Burns	Guy	Moorer	Stewart (Calhoun)
Burton	Hampton	Moxley	Tiller
Byars	Henley	Nichols	Tunstall
Calloway	Henson	Norman	Verner
Cato	Hodgson	Odom	Walker
Christian	Holcombe	Parker	Wall
Coleman	Hornsby	Patterson	Ware
Cook	Howard	Pickens	Mrs. Wilkins
Culver	Howze	Posey	Williams
Deloney	Jeter	Powell	Wyatt
Dickinson	Jones	Ringer	Young

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Which was a three-fifths vote of the whole number elected to the House.

BILL ON THIRD READING.

H. 321 (with amendment). Relating to and to further provide for the revenue of the State of Alabama, by providing for the registration and identification of motor vehicles, motor tractors, jitney busses, trailers, semi-trailers used on the public highways of Alabama, and for a registration or license fee therefor.

The question was upon the adoption of the amendment reported by the ~~Standing Committee on Ways, Means and Appropriations~~, said committee amendment being as follows:

Amend House bill 321 by adding the following section:

Section 8a. "Established place of business." The place actually occupied, either continually or at regular periods, by a manufacturer or dealer in motor vehicles, or automobile accessories, where the books and records of such manufacturer or dealer are kept and at which a large share of business of such manufacturer or dealer is transacted.

• Section 8b. "Public garage." Every building where motor vehicles are kept and stored by the public and where a charge is made for such storage and keeping of motor vehicles.

Amend House bill 321 by substituting the following for section 12, page 2:

Section 12. The following license tax or registration fee shall be charged on automobiles and motor cars kept for private use: For each automobile having a rating of less than twenty-five horse power, eleven dollars and twenty-five cents; on each automobile having a rating of twenty-five horse power and less than thirty horse power, eighteen dollars and seventy-five cents; on each automobile having a rating of thirty horse power and less than forty horse power, twenty-six dollars and twenty-five cents; on each automobile having a rating of forty horse power or more, thirty dollars. And such license shall be based on the insurable horse power of the car. For each electric automobile other than trucks, twenty dollars; for each automobile propelled by steam, twenty-five dollars; for each motorcycle, five dollars; for each motorcycle with side car attachment, seven dollars and fifty cents. Persons paying an automobile license may have the same transferred to any other person, or to any other car, provided the same is not of a greater horse power, by applying to the probate judge who issued the same, and it shall be his duty to make a record of the transfer, which shall be in writing.

Amend House bill 321 as follows:

Amend section 13, page 3, House bill 321, by striking the word "or a car rented out for use as what is commonly known as the drive-it-yourself automobile" in lines 6 and 7, page 3.

Amend House bill 321, by striking therefrom section 14 on page 3.

Amend section 15, page 4, line 22, House bill 321:

Add after the word "section" and before the word "of" in line 22, section 15, page 4, the word "thirteen."

Amend section 21, page 8, line 2, by striking the word "section" and in lieu thereof add the word "Act."

Amend House bill 321 by substituting the following for section 22, page 8:

Section 22. Demonstration tags.—Dealers in motor vehicles demonstrating their cars shall not be required to procure license tags from the probate judge, but before any dealer shall be permitted to operate upon the roads and streets in this State any motor vehicle for demonstration purposes, he shall apply to the State Tax Commission for dealers tags, which shall be issued, for the sum of one dollar each. Provided, however, that no more than six tags shall be issued to any one dealer for demonstration purposes, and such tags shall not be used on service cars, and such tags shall not be used except for the purpose of demonstrating his own cars for sale. Should any dealer violate the provisions of this section relating to the use of demonstration tags he shall be required to pay a fine in the sum of fifty dollars

for each time he makes improper use of such tag, or permits such improper use by any other person, and the State Tax Commission shall recall the tags issued to any such dealer who violates the provisions of this section. For failure to return any tags upon demand of the State Tax Commission, the dealer to whom such tags are issued shall pay a penalty of fifty dollars for each tag issued to him, which amount may be collected by suit brought in the name of the State of Alabama. License inspectors are authorized to arrest any dealer making use of a demonstration tag except as provided in this section, and such inspector shall be allowed a fee of ten per cent of any fine or penalty imposed for violating this section by such dealer, which fee shall be paid by the dealer in addition to the fine or penalty.

Amend H. 321 by substituting the following for section 24:

Section 24. The money collected as motor vehicle license taxes, less expenses, shall be distributed as follows: Eighty per cent (80%) to the State and twenty per cent (20%) to the incorporated city or town in which the owner of the motor vehicle resides, and twenty per cent (20%) to the county, if the owner of the motor vehicle resides outside of an incorporated city or town. The money collected as motor vehicle license taxes by the State, less expenses, shall be used exclusively for building and maintenance of public roads and bridges as now or may hereafter be provided by law.

Amend by substituting the following for section 20, House bill 321:

Section 20. Motor vehicles, within the meaning of this Act, shall not be included in any assessment made by any person, firm or corporation as of the first day of October, 1923; and such motor vehicles shall not be considered as escaped property by reason of the failure to include the same in any tax return made as of the first day of October, 1923, for the tax year 1924. The purpose and intent of the provisions of this section is as follows:

(a) That on and after the first day of October, 1924, no license shall be issued to operate a motor vehicle on the public highways of this State for the year 1925 until the ad valorem tax on such motor vehicle shall have been satisfied evidenced by a receipt from the tax collector of the county in which the owner of such motor vehicle resides, if the motor vehicle is owned by an individual; and if the motor vehicle is owned by any firm, corporation or association, then as evidenced by the receipt of the tax collector of the county in which such motor vehicle is used or operated. (b) On and after the first day of October, 1924, every person, firm or corporation who desires to operate a motor vehicle on the public highways of Alabama, shall first return such motor vehicle for ad valorem taxation to the tax assessor of the county in which he resides, and the tax assessor of such county

shall deliver to such person who makes the tax return herein required, a certificate of assessment on a form prescribed by the State Tax Commission, and such certificate shall be the warrant to the tax collector to collect the tax upon the valuation as shown thereon. Upon the payment of the taxes due on any motor vehicle the tax collector shall issue a motor vehicle tax receipt, in a form prescribed by the State Tax Commission, and such receipt shall be the authority for the probate judge to issue a license to operate a motor vehicle on the highways of this State; (c) In the event the applicant for a license to operate a motor vehicle on the highways of this State has failed to return for ad valorem taxation any motor vehicle which he owns, or of which he was in possession at the time when such motor vehicle was required by law to be assessed for taxation, the tax assessor shall make an escape assessment of the same, in the same manner as other escape assessments are made and deliver the assessment so made to the tax collector for collection, and no motor vehicle receipt for a license shall be issued until the taxes due on such escape assessment has been satisfied. (d) The valuation for ad valorem assessment of motor vehicles shall be sixty per cent of the fair and reasonable market value of the same. (e) Motor vehicles owned before the first Monday in February of any year shall pay the ad valorem tax for the full tax year, except when motor vehicles are brought into the State by the owner, after the first Monday in February, the probate judge is authorized to issue a motor vehicle license upon a certificate of the tax assessor, certifying that there is no ad valorem tax due on same for the current tax year. (f) The same commission as now allowed by law for the assessment and collection of taxes shall be allowed to the tax assessor and tax collector. (g) For taking the acknowledgment required in application for motor vehicle license and for issuing the certificates of assessment and payment of the tax herein prescribed the tax assessor and the tax collector of each county of the State shall each receive ten cents, which amount shall be for the use of the tax assessor and the tax collector of each county including counties where such tax officials are now paid a salary. Provided, however, that in counties of two hundred thousand inhabitants, or more, according to the last or any subsequent Federal census, the fee of ten cents, each allowed the tax assessor, and the tax collected herein shall be by such officers paid into the general fund of such county or counties as other fees are now paid; and in lieu thereof, the tax assessor and tax collector of such county or counties shall be paid the sum of one thousand dollars, each, per annum, in equal monthly payments, for services required by this Act, such payments to be made out of the treasury of such county or counties in the same manner as other salaries are now paid, and the board

of revenue or other governing body of such county or counties shall not make any further expenditure or appropriation for such service other than necessary supplies. (h) The tax assessor and tax collector may appoint a clerk in the probate office as their deputy in counties where the office of the tax assessor and tax collector is not required to be open during any months of the year, which clerk as deputy assessor or deputy collector may issue the assessment certificate and the tax collector's certificate required to be issued under this section.

Amend House bill 321 by adding the following, section 25½:

Section 25½. License of chauffeurs: Application for license to operate motor vehicles as a chauffeur must be made by him to the judge of probate of the county of his residence upon blanks prepared under the authority of the State Tax Commission. Such application shall be accompanied by a written recommendation or endorsement of three (3) reputable motor vehicle owners of the county from which the application is made, and when so accompanied it shall be the duty of the judge of probate to issue a license to such chauffeur upon the payment by such chauffeur of a fee hereinafter provided for in this section. No chauffeur license shall be issued to any person under the age of eighteen years. To each person shall be assigned some distinguishing number or mark and the license issued shall be in such form as the State Tax Commission shall determine. It shall contain the distinguishing number or mark assigned to the licensee, his name, place of residence and address, a brief description of the licensee for the purpose of identification. Such distinctive number or mark shall be of a distinctly different color each year and in any year shall be of the same color as that of the number plates issued for that year. The judge of probate shall furnish to every chauffeur so licensed a suitable metal badge with the distinguishing number or mark assigned to him thereon without extra charge therefor. This badge shall thereafter be worn by such chauffeur pinned upon his clothing in a conspicuous place at all times while he is operating or driving a motor vehicle upon the public highway. Said badge shall be valid only during the term of the license of the chauffeur to whom it is issued as aforesaid. Every person licensed to operate motor vehicles as aforesaid shall endorse his usual signature upon the margin of the license in the space provided for the purpose, immediately upon receipt of said license and such application filed under the provisions of this section shall be sworn to and shall be accompanied by a fee of five dollars, which amount shall be remitted to the State Treasurer by the probate judge as other license money is remitted, and such license shall be renewed annually upon the payment of a fee of five dollars, such renewal to take effect on the first day of October of each year, provided that the provisions of

this section shall not apply to an owner of a motor vehicle for private use or any member of his family or other person authorized by him and otherwise qualified under the provisions of this Act; provided that such owner shall be liable for any negligent or willful injury inflicted by any such person authorized by him, but the same shall apply to the owner of the motor vehicle for public use. It shall be the duty of the State Tax Commission to procure and distribute to the several probate judges of the State all chauffeur licenses and badges in the same manner as automobile licenses and tags are procured and distributed, and it shall be the duty of the several probate judges to issue and account for chauffeur licenses as motor vehicle licenses are issued and accounted for, under rules and regulations prescribed by the State Tax Commission. For performing his duties under this Act the judge of probate shall be allowed the same fees and commissions as he is allowed for issuing licenses for operating motor vehicles and to be paid in the same manner.

On motion of Mr. Tunstall the amendment reported by the Standing Committee on Ways, Means and Appropriations was laid upon the table.

Mr. Tunstall offered the following substitute for the bill:
Substitute for bill No. 321:

A BILL

To be entitled an Act relating to and to further provide for the revenue of the State of Alabama, by providing for the registration and identification of motor vehicles, motor tractors, jitney busses, trailers, used on the public highways of Alabama, and for a registration or license fee therefor.

Be it enacted by the Legislature of Alabama:

Section 1. The following words and phrases used in this Act shall have the meanings herein ascribed to them:

Section 2. "Motor Vehicle." Every vehicle, as herein defined, which is self propelled.

Section 3. "Automobile." Every motor vehicle, as herein defined, except motorcycles.

Section 4. "Motorcycles." Every motor vehicle designed to travel on not more than three wheels in contact with the ground, and not exceeding ten horse power and not exceeding the weight of five hundred pounds unloaded.

Section 5. "Trailer." Every vehicle without motive power designed for carrying property or passengers wholly or partially on its own structure and for being drawn by a motor vehicle.

Section 6. "Established Place of Business." The place actually occupied, either continually or at regular periods, by a manufacturer or dealer in motor vehicles, or automobile accessories, where the books and records of such manufacturer or

dealer are kept and at which a large share of business of such manufacturer or dealer is transacted.

Section 7. "Person." Every natural person, firm or co-partnership, association or corporation.

Section 8. "Operator." Every person who drives, operates or is in actual physical control of a motor vehicle upon the public highway.

Section 9. "Chauffeur." An operator who directly or indirectly receives compensation for operating a motor vehicle on the public highways. This definition shall not be deemed to include manufacturer's agents, proprietors of garages, and dealers, salesmen, mechanics or demonstrators of motor vehicles when driving vehicles in any such capacity.

Section 10. "Jitney Bus." A motor vehicle not operated on tracks, engaged in the business of carrying passengers for hire over, along and upon a definite or substantially fixed route, or routes, or between definite or substantially fixed terminal points, not including hotel or sightseeing busses.

Section 11. "Public Highway." Every highway, road, street, alley, lane, court, place, trail, drive, bridge, viaduct or trestle laid out or erected as such by the public or dedicated or abandoned to the public, or intended or used by or for the general public, except such portions thereof as are used or prepared for use by pedestrians as sidewalks. The term "public highway" shall apply to and include driveways upon the ground of universities, colleges, schools and institutions. The term "public highway" shall not be deemed to include private driveways, roads, or places used by the owner, his guests and those having business with the owner and not intended to be otherwise used, or otherwise used by the general public.

Section 12. Automobiles. The following license tax or registration fee shall be charged on automobiles and motor cars kept for private use: For each automobile having a rating of less than twenty-five horse power, eleven dollars and twenty-five cents; on each automobile having a rating of twenty-five horse power and less than thirty horse power, eighteen dollars and seventy-five cents; on each automobile having a rating of thirty horse power and less than forty horse power, twenty-six dollars and twenty-five cents; on each automobile having a rating of forty horse power or more, thirty dollars. And such license shall be based on the insurable horse power of the car. For each electric automobile other than trucks, twenty dollars; for each automobile propelled by steam, twenty-five dollars. For each motorcycle, five dollars; for each motorcycle with side car attachment, seven dollars and fifty cents. Persons paying an automobile license may have the same transferred to any other person, or to any other car, provided the same is not of a greater

horse power, by applying to the probate judge who issued the same, and it shall be his duty to make a record of the transfer, which shall be in writing.

Section 13. For each automobile or motor car used for transportation of passengers paying fare except a jitney bus, and having a seating capacity of five persons or less, thirty-seven dollars and fifty cents; for each automobile or motor car used for transportation of passengers paying fare, and having a seating capacity of more than five and less than ten persons, fifty dollars; for each automobile or motor car used for transportation of passengers paying fare and having a seating capacity of ten persons or more, ninety dollars; provided, that automobiles or motor cars running between towns and cities ten miles or more apart, shall pay a license tax of sixty dollars in lieu of ninety dollars provided in this section. Each person desiring to take out a license to operate a motor vehicle for the transportation of passengers for hire, except taxicabs and touring cars hired by the hour or for special trips on terms agreed upon between the passenger and the carrier at the time of entering upon such service, shall at the time he applies for such license make out in writing a statement describing the route over which such motor vehicle shall be operated, and naming the terminal points thereof, and such route shall be plainly indicated on the motor vehicle in letters of sufficient size to be read at a distance of fifty feet.

Section 14 (a). The following license tax or registration fee shall be charged for operating a jitney bus on the public highway of this State. Each jitney bus operating wholly within the corporate limits of a city of one hundred thousand inhabitants or more; or between a city of one hundred thousand inhabitants and another city of fifteen thousand inhabitants or more and not more than fifteen miles distant therefrom; or between a city of one hundred thousand inhabitants or more and an adjoining municipality or connecting municipalities, unless such bus operates regularly for at least five consecutive miles in unincorporated territory; three hundred dollars per annum when the seating capacity of the vehicle does not exceed five, and twenty dollars per annum for each addition seating capacity in excess of five. (b) Each jitney bus operating wholly within the corporate limits of a city of less than one hundred thousand and not more than thirty thousand inhabitants; or between a city of less than one hundred thousand but not less than thirty thousand inhabitants, and any other city or town of not less than one thousand inhabitants, nor more than ten miles distant; one hundred and fifty dollars per annum when the seating capacity of the vehicle does not exceed five, and ten dollars per annum for each seating capacity in excess of five. (c) Each jitney bus operating wholly within a city of less than thirty thousand but not

less than five thousand inhabitants; or between a city of less than thirty thousand but not less than five thousand inhabitants and any other city or town of not less than five hundred inhabitants and not more than ten miles distant; one hundred dollars per annum when the seating capacity of the vehicle does not exceed five; and ten dollars per annum for each additional seating capacity in excess of five. Under all other circumstances than as herein provided, the license for a jitney bus shall be the same as is provided in this Act for automobiles for transportation of passengers paying fare. Provided that should any jitney bus at any time carry a greater number of passengers than its rated seating capacity, the owner shall be required to immediately pay the license herein provided for the higher seating capacity. Any person violating the provisions of this section shall be guilty of a misdemeanor.—Jitney busses shall carry taxi license tags.

Section 15. Automobile hearses or ambulances. For each automobile hearse or ambulance operated on the highways of this State, the following license tax shall be charged: In cities of one hundred thousand inhabitants or more, fifty dollars; in cities or towns of less than one hundred thousand and more than thirty-five thousand inhabitants, thirty dollars; in cities and towns of less than thirty-five thousand and more than ten thousand inhabitants, twenty dollars. All other places, ten dollars. Provided, however, that where no charge is made for the service of a motor vehicle used exclusively as an ambulance, a license tax shall not be required for the operation of such motor vehicle. Provided further that any person who operates an ambulance for which no charge is made for service shall apply to the State Tax Commission for a tag, which tag shall be issued upon the payment of a fee of one dollar. Automobile hearses and ambulances shall carry commercial tags.

Section 16. "Motor Trucks." For each motor truck the following license tax shall be charged: Trucks less than one ton, fifteen dollars; trucks of one ton and less than two tons, twenty-two dollars and fifty cents; trucks of two tons and less than three tons, fifty dollars; trucks of three tons and less than four tons, one hundred dollars; ~~trucks of four tons and less than five tons, two hundred dollars; trucks of five tons and less than six tons, four hundred dollars; trucks of six tons and less than seven tons, seven hundred and fifty dollars; trucks of seven tons and over, one thousand dollars.~~ Provided that it shall be unlawful to operate over any of the public roads of this State any vehicle whose aggregate weight, including load, is more than ten tons, and any person violating this provision shall be guilty of a misdemeanor; provided this section does not apply to automobile trucks used exclusively for transferring children to and from

school. Motor trucks or motor vehicles used by the State or county or any municipality of this State shall not be liable for the payment of this tax, but shall carry tags.

Section 17. "Trailers." The following registration fee shall be collected for operating trailers to motor vehicles on the highways of this State: For each trailer drawn by a motor vehicle, one-half of the license required for the motor vehicle drawing such trailer.

Section 18. "Motor Tractors." For each motor tractor used on the highways of this State, shall be paid a license or privilege tax of one hundred dollars. Provided, however, that this license shall not be collected for a tractor when run on a highway to be transferred from one point to another for use on a farm, or when used on the highway for transferring what is commonly known as a "portable saw mill," or a "well-boring outfit."

Section 19. Motor vehicles, within the meaning of this Act, shall not be included in any assessment made by any person, firm or corporation as of the first day of October, 1923; and such motor vehicles shall not be considered as escaped property by reason of the failure to include the same in any tax return made as of the first day of October, 1923, for the tax year 1924. The purpose and intent of the provisions of this section is as follows:

(a) That on and after the first day of October, 1924, no license shall be issued to operate a motor vehicle on the public highways of this State for the year 1925 until the ad valorem tax on such motor vehicle shall have been satisfied evidenced by a receipt from the tax collector of the county in which the owner of such motor vehicle resides if the motor vehicle is owned by an individual; and if the motor vehicle is owned by any firm, corporation or association, then as evidenced by the receipt of the tax collector of the county in which such motor vehicle is used or operated. (b) On and after the first day of October, 1924, every person, firm or corporation who desires to operate a motor vehicle on the public highways of Alabama, shall first return such motor vehicle for ad valorem taxation to the tax assessor of the county in which he resides, and the tax assessor of such county shall deliver to such person who makes the tax return herein required, a certificate of assessment on a form prescribed by the State Tax Commission, and such certificate shall be the warrant to the tax collector to collect the tax upon the valuation as shown thereon. Upon the payment of the taxes due on any motor vehicle the tax collector shall issue a motor vehicle tax receipt, in a form prescribed by the State Tax Commission, and such receipt shall be the authority for the probate judge to issue a license to operate a motor vehicle on the highways of this State; (c) In the event the applicant for a license to operate a motor vehicle on the highways of this State has failed to return

for ad valorem taxation any motor vehicle which he owns, or of which he was in possession at the time when such motor vehicle was required by law to be assessed for taxation, the tax assessor shall make an escape assessment of the same, in the same manner as other escape assessments are made and deliver the assessment so made to the tax collector for collection, and no motor vehicle receipt for a license shall be issued until the taxes due on such escape assessment has been satisfied. (d) The valuation for ad valorem assessment of motor vehicles shall be sixty per cent of the fair and reasonable market value of the same. (e) Motor vehicles owned before the first Monday in February of any year shall pay the ad valorem tax for the full tax year, except when motor vehicles are brought into the State by the owner, after the first Monday in February. The probate judge is authorized to issue a motor vehicle license upon a certificate of the tax assessor, certifying that there is no ad valorem tax due on same for the current tax year. (f) The same commission as now allowed by law for the assessment and collection of taxes shall be allowed to the tax assessor and tax collector. (g) For taking the acknowledgment required in application for motor vehicle license and for issuing the certificates of assessment and payment of the tax herein prescribed the tax assessor and the tax collector of each county of the State shall each receive ten cents, which amount shall be for the use of the tax assessor and the tax collector of each county including counties where such tax officials are now paid a salary. Provided, however, that in counties of two hundred thousand inhabitants, or more, according to the last or any subsequent Federal census, the fee of ten cents, each allowed the tax assessor, and the tax collector herein shall be by such officers paid into the general fund of such county or counties as other fees are now paid; and in lieu thereof, the tax assessor and tax collector of such county or counties shall be paid the sum of one thousand dollars, each, per annum in equal monthly payments, for services required by this Act, such payments to be made out of the treasury of such county or counties in the same manner as other salaries are now paid, and the board of revenue or other governing body of such county or counties shall not make any further expenditure or appropriation for such service other than necessary supplies. (h) The tax assessor and tax collector may appoint a clerk of the probate office as their deputy in counties where the office of the tax assessor and tax collector is not required to be open during any months of the year, which clerk as deputy assessor or deputy collector may issue the assessment certificate and the tax collector's certificate required to be issued under this section.

Section 20. One-half of the license herein provided for shall be paid where the motor vehicle is acquired after April first of

any year, or is not used or operated between the period from October first to April first. The payment of the registration fee or license tax on motor vehicles shall be evidenced by the delivery to the party paying the same of a numbered license tag which shall be placed in a conspicuous place on the rear of the automobile or motor vehicle. It shall be a misdemeanor punishable by a fine of not exceeding twenty-five dollars for each offense to display the tag on any place other than the rear of the motor vehicle, or for operating a motor vehicle on the public highways of the State without a license tag displayed as herein provided. The State Tax Commission shall provide tags for all motor vehicles, and shall also provide receipts in triplicate, one of which shall be retained by the probate judge, and one shall be delivered to the person paying the license fee, and the third shall be mailed by the probate judge to the State Tax Commission on the day the license was issued. Every part of each receipt shall bear the same number as the tag delivered to the licensee. These receipts shall be prepared in the form to be determined by the State Tax Commission and delivered to the several probate judges along with the tags upon the requisition of the probate judge, under such rules and regulations as may be prescribed by the State Tax Commission; and the State Tax Commission shall have power to prescribe rules and regulations concerning the application for and delivery to the licensee of the tag and receipt required by this Act. Provided, however, that the automobile licensee shall be required to state in his application whether he proposes to use his automobile for private use or for commercial purposes. The tag furnished for commercial vehicles shall be of different shape and design from those used for private or pleasure cars.

Section 21. Demonstration Tags: Dealers in motor vehicles demonstrating their cars shall not be required to procure license tags from the probate judge, but before any dealers shall be permitted to operate upon the roads and streets in this State any motor vehicle for demonstration purposes, he shall apply to the State Tax Commission for dealers tags, which shall be issued, for the sum of one dollar each. Provided, however, that no more than twenty tags shall be issued to any one dealer for demonstration purposes, and such tags shall not be used on service cars, and such tags shall not be used except for the purpose of demonstrating his own cars for sale. Should any dealer violate the provisions of this section relating to the use of demonstration tags he shall be required to pay a fine in the sum of fifty dollars for each time he makes improper use of such tag, or permits such improper use by any other person, and the State Tax Commission shall recall the tags issued to any such dealer who violates the provisions of this section. For failure to return any tags

upon demand of the State Tax Commission, the dealer to whom such tags are issued shall pay a penalty of fifty dollars for each tag issued to him, which amount may be collected by suit brought in the name of the State of Alabama. License inspectors are authorized to arrest any dealer making use of a demonstration tag except as provided in this section, and such inspector shall be allowed a fee of ten per cent of any fine or penalty imposed for violating this section by such dealer, which fee shall be paid by the dealer in addition to the fine or penalty.

Section 22. The registration fee or license tax herein required to be paid on motor vehicles shall be in lieu of all other privilege or license taxes which the State, or any county or municipality thereof might impose, where the motor vehicle is used by the owner for his private use and that of his family; provided that incorporated cities and towns are hereby authorized to collect a reasonable license or privilege tax on motor vehicles used for carrying passengers or freight for hire. Nothing herein contained shall be construed so as to impose a license tax on motor vehicles owned and used by any municipal corporation or county in this State, but all such vehicles shall bear a numbered tag, which the probate judge is authorized to deliver without the payment of any fee or charge, except the sum of fifty cents to cover the cost of each tag delivered by him to such municipal corporation or county, and the proceeds of such payments shall be made to the State Treasurer without any deduction for commission by the probate judge. Cars owned by the State shall also be required to bear a numbered tag, application for which shall be made to the probate judge of Montgomery county, and said probate judge is hereby authorized and required to deliver without cost such tag and receipt upon application of the proper official.

Section 23. The money collected as motor vehicle license taxes, less expenses, shall be distributed as follows: Eighty per cent (80%) to the State and twenty per cent (20%) to the incorporated city or town in which the owner of the motor vehicle resides, and twenty per cent (20%) to the county, if the owner of the motor vehicle resides outside of an incorporated city or town. The money collected as motor vehicle license taxes by the State, less expenses, shall be used exclusively for building and maintenance of public roads and bridges as now or may hereafter be provided by law.

Section 24. It shall be unlawful for any person to mutilate or alter for the purpose of deception any motor vehicle tag provided by this Act. It shall also be unlawful for any person to use upon his car any tag in imitation of or substitution for real tags lawfully used. It shall be the duty of all sheriffs, police officers and license inspectors to arrest persons violating these

two preceding provisions, and a fine not exceeding fifty dollars may be imposed for each offense. In case the tag becomes mutilated beyond recognition the owner of the motor vehicle may file with the State Tax Commission an affidavit setting forth the fact that the tag has been lost, mutilated or destroyed, and upon the payment of one dollar, there shall be issued to him by said commission a new tag. In case of a mutilated tag same shall be forwarded with the affidavit to the State Tax Commission and should the lost tag reappear and come into his possession, it shall be the duty of the person obtaining the new tag to immediately forward the old tag or replaced tag to the State Tax Commission. Should he or any one else use upon any motor vehicle the old or replaced tag, he shall be fined twice the amount of the license required for motor vehicles upon which the tag is used and shall also be required to procure a license for said motor vehicle. Anyone who makes any false affidavit in obtaining a tag from the State Tax Commission shall be guilty of perjury.

Section 25. License of Chauffeurs. Application for license to operate motor vehicles as a chauffeur must be made by him to the judge of probate of the county of his residence upon blanks prepared under the authority of the State Tax Commission. Such application shall be accompanied by a written recommendation or endorsement of (3) reputable motor vehicle owners of the county from which the application is made, and when so accompanied it shall be the duty of the judge of probate to issue a license to such chauffeur upon the payment by such chauffeur of a fee hereinafter provided for in this section. No chauffeur license shall be issued to any person under the age of eighteen years. To each person shall be assigned some distinguishing number or mark and the license issued shall be in such form as the State Tax Commission shall determine. It shall contain the distinguishing number or mark assigned to the licensee, his name, place of residence and address, a brief description of the licensee for the purpose of identification. Such distinctive number or mark shall be of a distinctly different color each year and in any year shall be of the same color as that of the number plates issued for that year. The judge of probate shall furnish to every chauffeur so licensed a suitable metal badge with the distinguishing number or mark assigned to him thereon without extra charge therefor. This badge shall thereafter be worn by such chauffeur pinned upon his clothing in a conspicuous place at all times while he is operating or driving a motor vehicle upon the public highway. Said badge shall be valid only during the term of the license of the chauffeur to whom it is issued as aforesaid. Every person licensed to operate motor vehicles as aforesaid shall endorse his usual signature upon the margin of the license in the space provided for the purpose, immediately

upon the receipt of said license, and the application for chauffeur's license filed under the provisions of this section shall be sworn to and shall be accompanied by a fee of five dollars, which amount shall be remitted to the State Treasurer by the probate judge as other license money is remitted, and such license shall be renewed annually upon the payment of a fee of five dollars, such renewal to take effect on the first day of October of each year, provided that the provisions of this section shall not apply to an owner of a motor vehicle for private use or any member of his family or other person authorized by him and otherwise qualified under the provisions of this Act; provided that such owner shall be liable for any negligent or willful injury inflicted by any such person authorized by him, but the same shall apply to the owner of the motor vehicle for public use. It shall be the duty of the State Tax Commission to procure and distribute to the several probate judges of the State all chauffeur licenses and badges in the same manner as automobile licenses and tags are procured and distributed, and it shall be the duty of the several probate judges to issue and account for chauffeur licenses as motor vehicle licenses are issued and accounted for, under rules and regulations prescribed by the State Tax Commission. For performing his duties under this Act the judge of probate shall be allowed the same fees and commissions as he is allowed for issuing licenses for operating motor vehicles and to be paid in the same manner.

Section 26. Appropriation for Tags. There is hereby appropriated annually out of any money in the treasury not otherwise appropriated such sum of money as may be necessary for the purchase and delivery of the automobile tags required by this Act. All bills for the purchase and delivery of said tags shall be approved by the chairman or two members of the State Tax Commission, and the auditor may draw his warrant against the appropriation in such sums, and from time to time as may be required, which shall be taken out of the automobile fund hereby created.

Section 27. All licenses or privilege taxes collectable by the license inspector may be recovered by suit brought by him in the name of the State. The taxes and penalties due the State and county and all fees, penalties and costs due the license inspector may be recovered in one and the same suit.

Section 28. If any section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction such holding shall not affect any other section, clause, provision or portion of this Act which is not within itself unconstitutional.

Mr. Culver offered the following amendment to the substitute:

"Amend the substitute for H. 321 by striking out Sec. 19."

On motion of Mr. Tunstall, the amendment offered by Mr. Culver was laid upon the table.

Mr. Tunstall offered the following amendment to the substitute:

Amend sub-section (e) of section 19 of the substitute for House bill 321, so as to read as follows: (e) Motor vehicles owned before the first Monday in February of any year shall pay the ad valorem tax as if owned on the next preceding first day of October. When a motor vehicle is purchased in the State after the first Monday in February the ad valorem tax shall not become due and payable before the next succeeding first day of October and the probate judge is authorized to issue a motor vehicle license upon a certificate of the tax assessor, certifying that there is no ad valorem tax due on same for the current tax year.

And the amendment offered by Mr. Tunstall to the substitute was adopted.

Mr. Tunstall offered the following amendment to the substitute:

To amend section 12 of substitute for House bill 321 by adding thereto the following:

"Provided, however, that the license in this Act required to be paid shall not become delinquent until after the expiration of three (3) days from the date of the purchase of any new motor vehicle."

And the amendment offered by Mr. Tunstall to the substitute was adopted.

Mr. Ware offered the following amendment to the substitute:

Amend section 16 of substitute for House bill 321 as follows:

By striking out the words "fifty dollars" where they occur in lines 4 and 5 and inserting in lieu thereof the words "thirty-seven dollars and fifty cents."

By striking out the words "one hundred dollars" where they occur in lines 5 and 6 and insert in lieu thereof the words "fifty-six dollars."

By striking out the words "two hundred dollars" where they occur in lines 6 and 7 and insert in lieu thereof the words "seventy-five dollars."

By striking out the words "four hundred dollars" where they occur in lines 7 and 8 and insert in lieu thereof the words "one hundred dollars."

On motion of Mr. Tunstall, the amendment offered by Mr. Ware was laid upon the table.

Mr. Long offered the following amendment to the substitute:

Amend the substitute for House bill 321 by striking out sub-section (g) of section 19.

And the amendment offered by Mr. Long to the substitute was adopted.

Mr. Sollie offered the following amendment to the substitute:

Amend substitute for H. 321, amend section 23 by striking out the words "in which the owner of the motor vehicle resides" where they appear in line 6, page 10 of the printed bill, and inserting in lieu thereof the following: "In which such vehicle is principally used."

And the amendment offered by Mr. Sollie to the substitute was adopted.

Mr. Sollie offered the following amendment to the substitute:

Amend the substitute for House bill 321, amend section 23 by striking out the words "if the owner of the motor vehicle resides" where they appear in line 7, page 10 of the printed bill, and substituting in lieu thereof the following: "when the motor vehicle is used principally."

And the amendment offered by Mr. Sollie to the substitute was adopted.

And the substitute offered by Mr. Tunstall, as amended, was adopted.

Yeas, 63; Nays, 8.

Yeas:

Messrs:

Mr. Speaker	Embry	Jeter	Smith (Jefferson)
Adams	Fanning	Jones	Smith (Lee)
Adcock	Ferrell	Kilborn	Snodgrass
Allen	Fite	Kilpatrick	Stewart (Calhoun)
Bealle	Forman	Lee	Thompson (Jackson)
Blackwell	Gaines	Long	Tiller
Bowen, Lewis	Glover	Luck	Tunstall
Bowen, L. K.	Goodwyn	McGowen	Varner
Boykin	Graves	Odom	Verner
Byars	Guy	Patterson	Walker
Calloway	Hall	Poole	Wall
Cato	Henley	Ringer	Mrs. Wilkins
Christian	Hodgson	St. John	Williams
Cook	Holcombe	Sanders (Conecuh)	Wyatt
Dowdle	Hornsby	Sanders (Pike)	Young
Dunwoody	Howard	Smith (Clay)	

—63

Nays:

Messrs:

Burton	Henson	Moxley	Rives
Culver	Letson	Nichols	Ware

—8

And the bill:

H. 321. Relating to and to further provide for the revenue of the State of Alabama, by providing for the registration and identification of motor vehicles, motor tractors, jitney busses, trailers, semi-trailers used on the public highways of Alabama, and for a registration or license fee therefor.

As amended by the substitute as amended, was read a third time at length and passed.

Yeas, 69; Nays, 8.

Yeas:

Messrs:

Mr. Speaker	Fanning	Kilborn	Sanders (Conecuh)
Adams	Ferrell	Kilpatrick	Sanders (Pike)
Adcock	Fite	Lee	Smith (Jefferson)
Allen	Forman	Long	Smith (Lee)
Bealle	Goode	Luck	Snodgrass
Blackwell	Goodwyn	McDaniel	Stewart (Calhoun)
Bowen, Lewis	Graves	McGowen	Thompson (Jackson)
Bowen, L. K.	Grove	Moorer	Tiller
Boykin	Hatter	Norman	Tunstall
Byars	Henley	Odum	Varnier
Calloway	Hodgson	Parker	Verner
Cato	Holcombe	Patterson	Walker
Christian	Hornsby	Pickens	Wall
Cook	Howard	Poole	Mrs. Wilkins
Dickinson	Howze	Powell	Williams
Dowdle	Jeter	Ringer	Wyatt
Dunwoody	Jones	St. John	Young
Embry			

—69

Nays:

Messrs:

Burton	Henson	Moxley	Rives
Culver	Letson	Nichols	Ware

—8

Mr. Tunstall moved to reconsider the vote by which the bill, H. 321, was passed and then moved to table his motion to reconsider and the motion to table prevailed.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills and House joint resolutions hereinafter mentioned were delivered to the Executive Department on the dates and hours named, and that I hold the receipts of the Executive Department for same.

Delivered to Governor August 29, 1923, 10:20 A. M.:

H. J. R. 135.

Also:

H. J. R. 132.

Also:

H. 573.

J. H. Stewart,
Clerk.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 343. To provide for the appointment of a humane officer in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken; to define the duties and fix the compensation of said humane officer.

Also:

S. 349. To repeal an Act entitled, "An Act to regulate and secure a better working of public roads in the county of Calhoun, and to prescribe the powers and duties of various officers in relation thereto," approved February 28th, 1901.

Also:

S. 348. To establish the office of road supervisor in and for the county of Calhoun; to prescribe his qualifications and duties, to fix his salary and to provide for the method of his election or appointment.

Also:

S. 335. To amend sections 1 and 3 of an Act "To relieve all persons, other than county convicts, of any obligations to work on the public roads or to pay any penalties in default thereof, in counties of the State of Alabama whose aggregate tax values according to the complete assessments of the preceding year amount to as much as one hundred million dollars," approved September 16, 1915 (General Acts of 1915, page 589).

Also:

S. 210. To authorize the county board of education, or other school governing body by whatever name called, in all counties having a population of not less than eighty thousand (80,000) and not more than one hundred and fifty thousand (150,000) according to the last Federal census or any succeeding Federal census, to pay pensions to aged and indigent teachers out of the school fund of said counties.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate accedes to the request of the House for a committee of conference on the disagreement of the two houses on the Senate amendments to the bill:

H. 268. To define, license, regulate and control billiard rooms and to fix penalties for the violation of this Act.

And the President of the Senate has appointed as conferees on the part of the Senate, Messrs. Inzer, Sloane and Caffey.

J. E. Speight,
Secretary.

COMMITTEE APPOINTED.

The Speaker named as committee of conference on part of the House, Messrs. Jeter, Kilborn and Embry.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House:

By Mr. Teasley:

S. 237. To authorize courts of county commissioners, board of revenue or other courts of like jurisdiction of all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken, to work county convicts anywhere within this State; to authorize the governing bodies of said counties to employ the necessary guards to prevent the escape of convicts, and to procure medical treatment for convicts so employed and to purchase the necessary cells, equipment, and to acquire by lease or purchase lands or other property, real or personal, necessary to carry out the provisions of this Act; and to provide that the net proceeds derived from the working of said convicts shall be used for working, grading, building and maintaining the public roads and bridges of said counties.

Also:

By Mr. Ellis:

S. 304. To amend section 146 of the Code of Alabama of 1907 relating to auditing and registry of claims; how paid.

Also:

By Mr. Ellis:

S. 306. To amend section 147 of the Code of Alabama of 1907 relating to itemizing, proving, entering and filing claims.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Local Legislation, S. 237.

Revision of Laws, S. 304, S. 306.

GOVERNOR'S MESSAGE.

"Message to the House of Representatives:

I herewith return to you House bill 540 without my approval.

I, however, suggest the following amendment which would remove the ground of my objection:

Amend the caption of the bill by adding after the word "last" and just before the word "Federal" where it occurs in the caption, the following phrase: "or any succeeding."

Also amend section 1 of the bill by adding after the word "last" and just before the word "Federal" the following phrase: "or any succeeding."

With these amendments the bill will meet with my approval.

Respectfully submitted,

Wm. W. Brandon, Governor.

August 29, 1923.

On motion of Mr. Lewis Bowen, the House concurred in and adopted the amendment proposed by the Governor to the bill, H. 540, said Governor's amendment being set out in the above and foregoing message from the Governor.

Yeas, 65; Nays, 0.

Yeas:

Messrs.:

Mr. Speaker	Fite	Kilburn	Posey
Adcock	Glover	Kilpatrick	Powell
Allen	Goode	Lee	Ringer
Bealle	Goodwyn	Letson	Rives
Bowen, Lewis	Graves	Long	St. John
Bowen, L. K.	Grove	Love	Smith (Jefferson)
Boykin	Guy	Luck	Sollie
Burns	Hall	Melton	Tiller
Burton	Hatter	Moorer	Varner
Byars	Henley	Moxley	Verner
Cato	Henson	Nichols	Walker
Cook	Hornsby	Norman	Wall
Culver	Howard	Odom	Walton
Deloney	Howze	Parker	Ware
Dowdle	Jeter	Pickens	Wyatt
Dunwoody	Jones	Poole	Young
Embry			

—65

Which was a majority of the whole number elected to the House.

And the bill:

H. 540. To authorize boards of revenue of counties in Alabama of more than 200,000 population by the last Federal census to make appropriations to county boards of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational training.

As amended, by the amendment proposed by the Governor, was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:**Messrs:**

Mr. Speaker	Ferrell	Jeter	Ringer
Adams	Fite	Jones	Rives
Adcock	Forman	Kilborn	St. John
Allen	Gaines	Lee	Sanders (Pike)
Bealle	Glover	Letson	Sessions
Bowen, Lewis	Goode	Long	Snodgrass
Bowen, L. K.	Graves	Love	Stewart (Calhoun)
Boykin	Grove	Luck	Tiller
Burns	Guy	Melton	Tunstall
Byars	Hall	Moorer	Varner
Cato	Hatter	Moxley	Verner
Coleman	Henson	Nichols	Wall
Cook	Holcombe	Pickens	Ware
Culver	Hornsby	Poole	Mrs. Wilkins
Deloney	Howze	Posey	Wyatt
Embry	Hubbard	Powell	Young
Fanning			

—65

Which was a majority of the whole number elected to the House.

RECESS.

On motion of Mr. Tunstall, the House recessed until 3 P. M.

AFTERNOON SESSION.

The hour of 3 o'clock having arrived the House reconvened.

NOTICE GIVEN.

Mr. Powell gave notice that on the next legislative day, he would move to take H. 596 from the adverse calendar.

MESSAGE FROM THE SENATE.**Mr. Speaker:**

The Senate has concurred in and adopted the resolution:

H. J. R. 136. Relative to the State Board of Education taking steps for the selection of a president and faculty for the State Normal School at Daphne.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.**Mr. Speaker:**

The Senate has concurred in and adopted the resolution:

H. J. R. 145. Relative to adjournment of the two houses until Friday, August 31st, 1923, at 10 o'clock A. M.

And returns same herewith to the House.

J. Earl Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 540. To authorize boards of revenue of counties in Alabama of more than 200,000 population by the last or any succeeding Federal census to make appropriations to county boards of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational training.

By a vote of a majority of the whole number elected to the Senate; said vote being yeas 34, nays 0.

And said bill as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote being yeas 34, nays 0.

And said bill, together with the Governor's message, is herewith returned to the House.

J. E. Speight,
Secretary.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. Ferrell:

H. 859. To fix fees of judges of the county courts and deputy solicitors in counties having two court houses and holding two county courts.

Revision of Laws.

By Mr. Poole:

H. 860. To designate a certain public road of Alabama as a State trunk road and to provide for the location thereof and the manner in which said road shall be located, improved and maintained.

Public Roads and Highways.

By Mr. Smith of Lee:

H. 861. To prescribe rules of evidence to apply in any investigation by the Alabama Public Service Commission of the rates, fares, charges, rules, regulations and practices of any public

utility or transportation company subject to the jurisdiction of said commission.

Judiciary.

By Mr. Powell:

H. 862. To provide further for extending the corporate limits of municipal corporations without an election by annexing adjacent lands or territory thereto when all of such lands or territory so annexed is owned by the State or county and devoted to educational or school purposes.

Municipal Organization.

By Mr. Powell:

H. 863. To regulate the appropriation of money by commissioners' courts and boards of revenue of the several counties of Alabama.

Judiciary.

By Mr. Letson:

H. 864. A bill to be entitled an Act to propose an amendment to section 256 of the Constitution of Alabama, and to provide for submitting such proposed amendment to a vote of the qualified electors of the State.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to section 256 of the Constitution of Alabama is hereby proposed:

Amend section 256 of the Constitution of Alabama so that the same when amended shall read as follows: "Sec. 256. The Legislature shall establish, organize and maintain liberal system of public schools throughout the State for the benefit of the children thereof between the ages of six and twenty-one years. The public school fund shall be so apportioned to the school in the districts or townships in the State as to provide, as nearly as practicable, school terms of equal duration in such school districts or townships. Separate schools shall be provided for white and colored children, and no child of either race shall be permitted to attend a school of the other race."

Section 2. An election is hereby called to be held throughout the State on the first Monday after the expiration of three months after the final adjournment of the present session of the Legislature of Alabama.

Section 3. Notice of the aforesaid election together with the herein proposed amendment shall be given by proclamation of the Governor, which shall be published in every county by posting a copy of said proclamation and a copy of said proposed amendment at the door of every courthouse and by printing a copy of each in a newspaper printed in each county once a week for eight successive weeks next preceding the day herein provided for holding said election.

Section 4. On the aforesaid first Monday after the expiration of three months after the final adjournment of the present

session of the Legislature of Alabama, an election shall be held for the vote of the qualified electors of the State upon the amendment herein proposed, officers for said election shall be appointed, and the election shall be held and all things in accordance with the law governing general elections. The votes cast thereat shall be canvassed, tabulated, and returns thereof be made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon said proposed amendment, voted in favor of the same, said amendment shall be valid to all intents and purposes as part of the Constitution of Alabama. The result of said election shall be made known by proclamation of the Governor.

Section 5. Upon the ballots used at the election herein provided for, the subject matter of the amendment herein proposed shall be printed.

~~Following said printed~~ subject matter on the ballot shall be printed the word "Yes" and immediately ~~under that~~ shall be printed the word "No." The choice of the elector shall be indicated by a cross mark made by him or under his direction, opposite the word expressing his desire.

Section 6. There is hereby appropriated out of any monies in the State treasury not heretofore otherwise appropriated, all monies necessary to carry out the provisions of this Act. All expenditures hereunder shall be upon warrants drawn thereof by the Governor upon vouchers approved by him and in accordance with rules and regulations made by him.

The above and foregoing bill proposing an amendment to the Constitution was read one time at length and referred to the Standing Committee on Judiciary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 174. To relieve the tax assessor of Morgan county from the duty of preparing a book of assessments and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as permanent record and prepare tax collector's abstracts from said assessment lists.

H. 148. For the relief of W. H. Harris, clerk of the circuit court of Washington county and to authorize the custodian of the county funds to pay Mr. Harris the sum of \$223.45 out of the fine and forfeiture funds of Washington county for fees due him.

H. 34. For the relief of George W. Courson, former constable of precinct 9, Jefferson county, Alabama.

H. 547. For the relief of the Scottenn Coal, Inc., to pay it the sum of \$46.98, due it by the State of Alabama, and the sum of \$23.49 due it by Jefferson county, Alabama, for franchise taxes erroneously collected by the State Tax Commission for the year 1921.

H. 380. To provide for the election of a county treasurer for Marion county, Alabama, to provide for his term of office and fix his compensation, and to provide for his successor.

H. 355. To amend section 2 of an Act to establish a charter for the city of Bridgeport. (Approved Feb. 18, 1891.)

H. 99. To abolish the office of deputy solicitor for Autauga county; to prohibit the circuit solicitor from appointing a deputy solicitor, or assistant solicitor, for the county of Autauga; and to provide for the discharge of the duties heretofore devolving upon the deputy solicitor, or assistant solicitor, for said county; and to prohibit the payment of any compensation to such deputy solicitor.

H. 462. To provide for and regulate the assessment, levy and collection of municipal taxes of the city of Bessemer, Alabama, and to define the duties of the State, county and municipal officers in regards thereto, to fix the tax year for said city and to make the county tax collector of Jefferson county ex-officio the collector of property taxes for the city of Bessemer, Alabama.

H. 351. To fix the salary of the deputy solicitor for Escambia county, Alabama, and provide for the manner of payment of the same.

H. 614. To fix and regulate the compensation of the deputy circuit clerk of the criminal division of the circuit court in all counties of the State having a population of more than 200,000 according to the last or any subsequent Federal census, and to provide for the payment of such compensation.

H. 414. To provide and require the payment in cash only of fines and forfeitures accruing or becoming due to Dale county, Alabama, or to the State of Alabama, for the use of Dale county.

H. 499. To provide for the town of Boaz and school district known as the Boaz School District, to manage and control the affairs of its public schools in said district school district. To provide for the election of a board of education by the town council of the town of Boaz, Alabama. To authorize said board of education to mortgage or pledge the property of said public school for the purpose of procuring additional funds to build or erect and equip a suitable public school building in said town of Boaz, and to authorize payment and satisfaction of said mortgage out of funds hereafter derived from the levy of a special school tax in said school district.

J. E. Speight,
Secretary.

RE-COMMITTAL OF BILL.

On motion of Mr. Walker, the bill:

H. 47. To amend chapter 21 of the Code of 1907 relating to the Geological Survey.

Was re-committed to the Standing Committee on Ways, Means and Appropriations.

On motion of Mr. Fite, the bill:

H. 616. To fix the compensation of the clerk of the probate court in all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census.

Was re-committed to the Standing Committee on Judiciary.

Mr. Ashcraft of Lauderdale moved to recommit the bill, H. 720, to the Standing Committee on Judiciary, and the motion of Mr. Ashcraft of Lauderdale was lost.

BILL ON THIRD READING.

H. 501 (with substitute): To provide for the establishment, control and operation and support of a State secondary agricultural school and experiment station at Cuba, in Sumter county, Alabama, in the 6th congressional district of Alabama.

Was taken up. The question was upon the adoption of the substitute, reported by the Standing Committee on Ways, Means and Appropriations, said committee substitute being as follows:

H. 501 substitute:

A BILL

To be entitled an Act to create and establish and locate a State secondary agricultural school in Sumter county at or near Cuba, Alabama; to provide for the control thereof; to make appropriations for its support and maintenance; and to authorize the county board of revenue or court of county commissioners to make appropriations therefor.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created and established in Sumter county at or near Cuba, Alabama, a State secondary agricultural school, the site to consist of not less than ten acres and at least eighty acres of farm land adjacent to or near the site, to be selected and approved by the State Board of Education.

Section 2. That there shall be tendered the State of Alabama a deed in fee simple to the site and farm land approved for the location of the school together with the sum of sixty thousand dollars (\$60,000.00), this amount to be used for the erection of suitable school and farm buildings and for the purchase of equipment. When the site and farm land have been deeded to the State and the amount of sixty thousand dollars (\$60,000.00) re-

quired for the erection of the necessary buildings and for the purchase of equipment has been deposited with the State Board of Education, the said board shall proceed with the erection of the buildings and shall formally open the school as soon as said buildings have been completed and equipped; provided that the provisions of this Act shall be null and void should the conditions relating to the deeding of site and farm land and the depositing of funds set out in the foregoing not be complied with in full on or before July 1, 1924.

Section 3. That the supervision and control of said school shall be under the State Board of Education in like manner as in the case of State secondary agricultural schools already established. The same rules and regulations for the government and control of these schools shall obtain in the management and control of this institution.

Section 4. That there is hereby appropriated out of the general treasury of the State out of any funds not otherwise appropriated, the same amount for the support and maintenance of this institution as is or may be appropriated to any one of the State secondary agricultural schools already established, this appropriation to be paid out in the same manner as the appropriations are paid to the other State secondary agricultural schools.

Section 5. That the county board of revenue or court of county commissioners of Sumter county is hereby authorized to make appropriations towards the establishment, support and maintenance of this institution.

Section 6. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Mr. Howze offered the following substitute for the substitute reported by the Standing Committee on Ways, Means and Appropriations.

A BILL

H. 501 substitute, by Mr. Howze:

To be entitled an Act to create and establish and locate a State secondary agricultural school in Sumter county at or near Cuba, Alabama; to provide for the control thereof; to make appropriations for its support and maintenance; and to authorize the county board of revenue or court of county commissioners to make appropriations therefor.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created and established in Sumter county at or near Cuba, Alabama, a, State secondary agricultural school, the site to consist of not less than seven acres and at least eighty acres of farm land adjacent to or near the site, to be selected and approved by the board of revenue of Sumter county.

Section 2. That there shall be tendered the State of Alabama a deed in fee simple to the site and farm land approved for the location of the school together with the sum of one thousand dollars (\$1,000.00) this amount to be used for the erection of suitable school and farm buildings and for the purchase of equipment. When the site and farm land have been deeded to the State and the amount of one thousand dollars (\$1,000.00) required for the erection of the necessary buildings and for the purchase of equipment has been deposited with the State Board of Education, the said board shall proceed with the erection of the buildings and shall formally open the school as soon as said buildings have been completed and equipped; provided that the provisions of this Act shall be null and void should the conditions relating to the deeding of site and farm land and the depositing of funds set out in the foregoing not be complied with in full on or before July 1, 1924.

Section 3. That the supervision and control of said school shall be under the State Board of Education in like manner as in the case of State secondary agricultural schools already established. The same rules and regulations for the government and control of these schools shall obtain in the management and control of this institution.

Section 4. That there is hereby appropriated out of the general treasury of the State out of any funds not otherwise appropriated, the same amount for the support and maintenance of this institution as is or may be appropriated to any one of the State secondary agricultural schools already established, this appropriation to be paid out in the same manner as the appropriations are paid to the other State secondary agricultural schools.

Section 5. That the county board of revenue or court of county commissioners of Sumter county is hereby authorized to make appropriations towards the establishment, support and maintenance of this institution.

Section 6. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

And the substitute offered by Mr. Howze for the committee substitute was adopted.

And the substitute reported by the Standing Committee on Ways, Means and Appropriations as amended by the substitute of Mr. Howze was adopted.

Yeas, 73; Nays, 2.

Yeas:

Messrs:

Mr. Speaker	Bealle	Byars	Dickinson
Adams	Bowen, Lewis	Cato	Dowdle
Adcock	Bowen, L. K.	Christian	Dunwoody
Allen	Burns	Cook	Embry
Arrington	Burton	Deloney	Fanning

Ferrell	Holcombe	Norman	Smith (Jefferson)
Fite	Howard	Odom	Smith (Lee)
Glenn	Howze	Parker	Snodgrass
Glover	Jeter	Patterson	Sollie
Goode	Jones	Pickens	Stewart (Calhoun)
Goodwyn	Kilborn	Posey	Tiller
Graves	Letson	Powell	Tunstall
Grove	McDaniel	Ringer	Verner
Guy	McGowen	Rives	Walker
Hatter	Melton	St. John	Wall
Hawkins	Mooneyham	Sanders (Conecuh)	Williams
Henley	Moorer	Sessions	Wyatt
Henson	Nichols	Smith (Clay)	Young
Hodgson			

—73

Nays:

Messrs:

Culver Sanders (Pike)

—2

And the bill:

H. 501. To provide for the establishment, control and operation and support of a State secondary agricultural school and experiment station at Cuba, in Sumter county, Alabama, in the 6th congressional district of Alabama.

As amended by the substitute reported by the Standing Committee on Ways, Means and Appropriations, as amended by the substitute offered by Mr. Howze, was read a third time at length and passed.

Yeas, 74; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Howze	Powell
Adams	Dunwoody	Jeter	Ringer
Adcock	Embry	Jones	Rives
Allen	Fanning	Kilborn	St. John
Arrington	Fite	Kilpatrick	Sanders (Conecuh)
Ashcraft (Lauderd ¹)	Gaines	Lee	Smith (Clay)
Bealle	Glover	Letson	Smith (Jefferson)
Bowen, Lewis	Goode	McDaniel	Smith (Lee)
Bowen, L. K.	Goodwyn	McGowen	Snodgrass
Boykin	Graves	Melton	Stewart (Bibb)
Burns	Grove	Moorer	Stewart (Calhoun)
Burton	Guy	Nichols	Tiller
Byars	Hatter	Norman	Tunstall
Calloway	Hawkins	Odom	Verner
Cato	Henley	Parker	Wall
Christian	Henson	Patterson	Walton
Cook	Hodgson	Pickens	Wyatt
Deloney	Holcombe	Posey	Young
Dickinson	Howard		

—74

Mr. St. John moved to reconsider the vote by which the bill passed and then moved to table his motion to reconsider, and the motion to table prevailed.

BILL ON THIRD READING.

H. 592. To provide for pensions for widows of soldiers and sailors, in the army and navy of the Confederate States of America, and for the regulation of the payment thereof.

Was taken up. Mr. Powell offered the following amendment to the bill:

"Amend section 2 of H. 592 by striking the figures 1900, where they first appear together in said section and insert in lieu thereof the figures 1875."

And the amendment offered by Mr. Powell was adopted.

Yeas, 56; Nays, 0.

Yeas:

Messrs:			
Mr. Speaker	Ferrell	Kilpatrick	Sessions
Adams	Fite	Long	Smith (Lee)
Adcock	Gaines	McGowen	Snodgrass
Allen	Goodwyn	Mooneyham	Stewart (Calhoun)
Arrington	Graves	Moxley	Thompson (Jackson)
Blackwell	Grove	Nichols	Tunstall
Bowen, L. K.	Hampton	Norman	Varner
Burns	Henley	Odom	Wall
Byars	Henson	Parker	Walton
Cato	Hodgson	Pickens	Ware
Cook	Hornsby	Posey	Mrs. Wilkins
Deloney	Howard	Ringer	Williams
Dowdle	Jeter	Rives	Young
Fanning	Jones	Sanders (Conecuh)	

—56

Mr. Williams offered the following amendment to the bill:

Sec. 2½. All widows of such soldiers or sailors who married such soldiers or sailors prior to 1905 and have not remarried shall be placed on the pension roll and classed in class 3 and so paid."

And the amendment offered by Mr. Williams was adopted.

Yeas, 57; Nays, 2.

Yeas:

Messrs:			
Adams	Embry	Moorer	Smith (Clay)
Adcock	Fanning	Moxley	Smith (Lee)
Allen	Fite	Norman	Snodgrass
Arrington	Glover	Odom	Sollie
Bealle	Goodwyn	Parker	Stewart (Bibb)
Bowen, L. K.	Graves	Patterson	Thompson (Jackson)
Boykin	Grove	Posey	Tiller
Burns	Holcombe	Powell	Verner
Burton	Howard	Ringer	Walker
Byars	Jeter	Rives	Wall
Calloway	Kilborn	St. John	Walton
Cook	Letson	Sanders (Conecuh)	Ware
Culver	Luck	Sanders (Pike)	Williams
Deloney	Mooneyham	Sessions	Young
Dowdle			

—57

Nays:

Messrs:

Blackwell

Henson

—2

And the bill:

H. 592. To provide for pensions for widows of soldiers and sailors, in the army and navy of the Confederate States of America, and for the regulation of the payment thereof.

As amended, was read a third time at length and passed.

Yeas, 77; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Kilborn	Sessions
Adams	Fanning	Letson	Smith (Clay)
Adcock	Ferrell	Love	Smith (Jefferson)
Allen	Fite	Luck	Smith (Lee)
Arrington	Forman	McDaniel	Snodgrass
Bealle	Gaines	McGowen	Sollie
Blackwell	Glover	Melton	Stewart (Calhoun)
Bowen, L. K.	Goodwyn	Mooneyham	Thompson (Jackson)
Boykin	Graves	Nichols	Tiller
Burton	Grove	Odom	Tunstall
Byars	Hampton	Parker	Varner
Calloway	Hawkins	Patterson	Verner
Cato	Fenley	Poole	Walker
Christian	Henson	Posey	Wall
Coleman	Hodgson	Powell	Walton
Cook	Hornsby	Ringer	Ware
Culver	Howard	Rives	Williams
Deloney	Jeter	St. John	Wyatt
Dowdle	Jones	Sanders (Pike)	Young
Dunwoody			

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BILL ON THIRD READING.

H. 720. To authorize the Governor of the State of Alabama, for and in the name of and in behalf of the State of Alabama, to rescind any contract of purchase of land at the request of the grantor, and reconvey the land in cases where the land was conveyed to the State with the understanding or agreement that a school or other institution was to be established and or maintained by the State thereon, if the State by and through its proper officers has abandoned the use of the land for the purpose for which it was acquired; provided the purchase price paid for such land and value of permanent improvements erected by the State on the land, less a credit for any and all money collected by the State as a result of fire or other casualty, or in any way on account of said land or any part thereof, is refunded to the State at the time of reconveyance.

Was taken up. Pending the further consideration of the bill, on motion of Mr. Fite, the House under a joint resolution heretofore adopted, adjourned until Friday morning, Aug. 31st, at 10 o'clock.

THIRTY-NINTH DAY.

House of Representatives,
Friday, Aug. 31st, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Bob Jones of Montgomery.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Mr. Speaker	Fanning	Kilborn	Sanders (Conecuh)
Adams	Ferrell	Kilpatrick	Sanders (Pike)
Adcock	Fite	Lee	Sessions
Allen	Forman	Letson	Smith (Clay)
Arrington	Gaines	Long	Smith (Jefferson)
Ashcraft (Fayette)	Glenn	Love	Smith (Lee)
Ashcraft (Lauderdl.)	Glover	Luck	Snodgrass
Bealle	Goode	McDaniel	Sollie
Blackwell	Goodwyn	McGowen	Stewart (Bibb)
Bowen, Lewis	Graves	Melton	Stewart (Calhoun)
Bowen, L. K.	Grove	Moorer	Thompson (Etowah)
Boykin	Guy	Mooneyham	Thompson (Jackson)
Burns	Hall	Moxley	Tiller
Burton	Hampton	Nichols	Tunstall
Byars	Hatter	Norman	Varnier
Calloway	Hawkins	Odom	Verner
Cato	Henley	Parker	Walker
Christian	Hodgson	Patterson	Wall
Cook	Holcombe	Pickens	Walton
Culver	Hornsby	Poole	Ware
Deloney	Howard	Posey	Mrs. Wilkins
Dickinson	Howze	Powell	Williams
Dowdle	Hubbard	Ringer	Wyatt
Dunwoody	Jeter	Rives	Young
Embry	Jones	St. John	

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A quorum was present.

LEAVE OF ABSENCE.

Was granted to Messrs. Coleman, Elliott, LeMaistre and Tyson for today.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said committee has carefully examined the

Journal of the House for the Thirty-eighth Legislative Day, and finds same correct.

O. W. Melton,
Chairman.

The report of the committee was concurred in and adopted and the Journal for the 38th Legislative Day was approved.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bills and House joint resolution with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 99. To abolish the office of deputy solicitor for Autauga county; to prohibit the circuit solicitor from appointing a deputy solicitor, or assistant solicitor, for the county of Autauga; and to provide for the discharge of the duties heretofore devolving upon the deputy solicitor, or assistant solicitor, for said county; and to prohibit the payment of any compensation to such deputy solicitor.

Also:

H. 414. To provide and require the payment in cash only of fines and forfeitures accruing or becoming due to Dale county, Alabama, or to the State of Alabama, for the use of Dale county.

Also:

H. 499. To provide for the Town of Boaz and School District known as the Boaz School District, to manage and control the affairs of its public schools in said school district. To provide for the election of a board of education by the Town Council of the Town of Boaz, Alabama. To authorize said board of education to mortgage or pledge the property of said public school for the purpose of procuring additional funds to build or erect and equip a suitable public school building in said Town of Boaz, and to authorize payment and satisfaction of said mortgage out of funds hereafter derived from the levy of a special school tax in said school district.

Also:

H. 614. To fix and regulate the compensation of the deputy circuit clerk of the criminal division of the circuit court in all counties of the State having a population of more than 200,000 according to the last or any subsequent Federal census, and to provide for the payment of such compensation.

Also:

H. 148. For the relief of W. H. Harris, clerk of the circuit court of Washington county and to authorize the custodian of the county funds to pay Mr. Harris the sum of \$223.45 out of the fine and forfeiture funds of Washington county for fees due him.

Also:

H. 174. To relieve the tax assessor of Morgan county from the duty of preparing a book of assessments and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as permanent record and prepare tax collector's abstracts from said assessment lists.

Also:

H. 547. For the relief of Scottenn Coal, Inc., to pay it the sum of \$46.98, due it by the State of Alabama, and the sum of \$23.49 due it by Jefferson county, Alabama, for franchise taxes erroneously collected by the State Tax Commission for the year 1921.

Also:

H. 34. For the relief of George W. Courson, former constable of precinct 9, Jefferson county, Alabama.

Also:

H. 351. To fix the salary of the deputy solicitor for Escambia county, Alabama, and provide for the manner of payment of the same.

Also:

H. 355. To amend section 2 of an Act to establish a charter for the city of Bridgeport. (Approved Feb. 18, 1891.)

Also:

H. 380. To provide for the election of a county treasurer for Marion county, Alabama, to provide for his term of office and fix his compensation, and to provide for his successor.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 540. To authorize boards of revenue of counties in Alabama of more than 200,000 population by the last or any succeeding Federal census to make appropriations to county boards of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational training.

Also:

H. J. R. 136. Relative to the State Board of Education taking steps immediately to select a president and faculty for the State Normal School at Daphne, Baldwin county, Alabama, and for prescribing a class "A" course of study for said school for the present session.

James A. Smith,
Chairman.

SIGNING OF BILLS AND JOINT RESOLUTION.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill and joint resolution, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

H. 321. Relating to and to further provide for the revenue of the State of Alabama, by providing for the registration and identification of motor vehicles, motor tractors, jitney busses, trailers, semi-trailers used on the public highways of Alabama, and for a registration or license fee therefor.

Also:

H. 648. To propose to amend section 194½ of the Constitution of Alabama so as to exempt certain persons who served in the military or naval service of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes and to qualify such persons to vote or hold office in the State of Alabama and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the regular session of the present Legislature.

Also:

H. 592. To provide for pensions for widows of soldiers and sailors, in the army and navy of the Confederate States of America, and for the regulation of the payment thereof.

Also:

H. 501. To create and establish and locate a State secondary agricultural school in Sumter county at or near Cuba, Alabama; to provide for the control thereof; to make appropriations for its support and maintenance; and to authorize the county board of revenue or court of county commissioners to make appropriations therefor.

Lee Glenn,
Chairman.

The report of the committee was concurred in and adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the resolution:

H. J. R. 119. Relative to officially designating the Soldiers Home at Mountain Creek as the "Jefferson Manly Falkner Soldiers' Home, Mountain Creek, Alabama."

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Craft:

S. 161. To provide for and submit to the qualified electors of the State of Alabama; at an election to be held at the next general election after the final adjournment of the present session of the Legislature at which this amendment is proposed; an amendment to the Constitution of Alabama; whereby Mobile county may levy and collect for public school purposes through its duly constituted governing authorities, a rate of taxation, on the property situated therein, not exceeding in the total in any one year, one-fifth (1/5) of one (1) per centum of the value of such property, as assessed as provided by the Constitution and statutes now existing or hereafter enacted pursuant to the Constitution, in addition to taxes levied under and pursuant to section 215 of the Constitution of Alabama, of 1907, and in addition to taxes levied under and pursuant to Article XIX of the said Constitution, which Article XIX was added thereto by amendment; and whereby the existing legislation intended to empower the said county to levy and collect such taxation, is validated and confirmed.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time at length and referred to an appropriate standing committee as follows:

Judiciary, S. 161.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Brower (with notice and proof) :

S. 365. To amend an Act entitled "An Act to establish an inferior criminal court for Jefferson county, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama, }
County of Jefferson. }

Personally appeared before me, Mary Mosley, Notary Public in and for said State and county, J. H. F. Mosley, who, being duly sworn, deposes and says that he is editor and manager of the Labor Advocate, a weekly newspaper published at Birmingham, Alabama; and that the advertisement notice attached hereto was published in the Labor Advocate on the following dates: June 16, 23, 30; July 7, 1923.

Sworn to and subscribed before me, this 6th day of August, 1923.

(Seal)

J. H. F. Mosley.

Mary Mosley,
Notary Public.

NOTICE OF LOCAL LEGISLATION.

Notice is hereby given that the following bill will be introduced during the present session of the Legislature for enactment:

AN ACT

To amend an Act entitled "An Act to establish an inferior criminal court for Jefferson county, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

Be it enacted by the Legislature of Alabama: That section ten (10) of the said Act to establish an inferior criminal court for Jefferson county, Alabama; to define the jurisdiction and powers of said court, the judge, clerk and other officers thereof; to provide for a place of holding said court, the terms and salary of said judge and other officers of said court, the manner of their appointment and election, and the payment of their salaries, approved September 10th, 1919, read as follows:

Section 10. That there shall be appointed by the judge of said court a chief clerk, a first assistant clerk and two deputy clerks, who shall hold

office at the will of the judge of said court. The chief clerk shall receive as compensation for his services the sum of twenty-four hundred (\$2,400.00) dollars per annum, payable in equal monthly installments of two hundred dollars per month, out of the county treasury of Jefferson county upon warrants drawn by the judge of said court upon the county treasurer of said county, showing that said chief clerk has performed the duties for the month. Each of said deputy clerks (except the first assistant clerk) shall receive a salary of fifteen hundred (\$1,500.00) dollars per annum, payable in equal monthly installments of one hundred and twenty-five (\$125.00) dollars, out of the county treasury of Jefferson county, upon warrants drawn on the county treasurer of said county by the judge of said court, showing that the said deputy clerks have performed the duties for the month. The first assistant and the deputy clerks shall act under the authority of the chief clerk, for and in the name of the chief clerk.

Also:

By Mr. Pelham (with notice and proof):

S. 398. To amend section 7 of an Act approved March 31st, 1911. To better improve the public roads of Washington county, Alabama, and to make better provision for the working of said public roads, to divide said county into four road districts, and to provide for the election of a member of the court of county commissioners, ~~as~~ road supervisor for each of said districts; to provide the duties of said road supervisors; to require the overseers of public roads in Washington county, Alabama, to work under and in connection with the said supervisors; to fix the pay of said supervisors; to provide for reports of the said supervisors; and to provide a penalty for failure to comply with said law.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature to amend that certain local law shown in Local Acts 1911, page 185, said local law pertaining to roads, and duties and pay of commissioners, and said amendments being of section 5 so as to allow commissioners \$4.50 per day and section 7 so as to allow commissioners pay for 30 days in each quarter of the year.

State of Alabama, }
Washington County. }

I, Thos. A. Gordon, foreman of the Washington County News, a newspaper published at Chatom, Washington county, Alabama, do hereby certify that a copy of the notice of local law as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated July 12, 1923, and ending with the issue dated August 2, 1923. I further certify that I have the right and authority to make this affidavit.

Thos. A. Gordon.

Sworn to and subscribed before me on this, the 9th day of August, 1923.

(Seal)

Wallace P. Pruitt,
Notary Public, Washington County, Alabama.

Also:

By Mr. Teasley:

S. 400. To fix the compensation or salaries to be paid the judges of probate, sheriffs, tax collectors, tax assessors, and members of courts of county commissioners or boards of revenue and other courts of like jurisdiction in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same; to provide for the selection of clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such offices; and to require all of said officers to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said officers, as other moneys belonging to said counties are paid.

By Mr. Teasley:

S. 391. To create and establish a board of jury supervisors in every county in this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than ninety-five thousand people, according to the last Federal decennial census, or any such census which may hereafter be taken; to provide that the circuit judges, the judge of probate, the sheriff and the clerk of the circuit court of all such counties shall constitute the board of jury supervisors and to confer upon them all the jurisdiction and all the power and authority which is now or which may hereafter be by law vested in jury commissions in this State; to provide that they shall perform and discharge all the duties of jury commissioners without compensation, except as provided by this Act; to authorize them to elect one of their number president of such board of jury supervisors, and to provide that the clerk of the circuit court of all such counties shall be ex-officio clerk of such board of jury supervisors; to fix his salary as such clerk, the manner of its payment, and to abolish the jury commission and the clerk thereof in all such counties.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Local Legislation, S. 365, S. 398.

Judiciary, S. 400, S. 391.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House:

By Mr. Hildreth:

S. 376. To make it unlawful for any person, with intent to defraud, to make or utter a check or draft upon any bank, knowing at the time that he has no funds or insufficient funds with which to pay the same; to obtain money or other property or credit by check, draft or order which is not paid upon presentation; to fix the punishment for the violation of the provisions hereof, and to prescribe rules of evidence in prosecutions hereunder.

Also:

By Mr. Pelham (with notice and proof):

S. 399. To provide for the election of a county superintendent of education for Washington county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for the election of his successor in office.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF ADVERTISEMENT.

Notice is hereby given that at the adjourned session of the 1923 Legislature which met July 10th, the following bill will be introduced:

To provide for the election of a county superintendent of education for Washington county, Alabama, by the qualified electors of Washington county, at the next general election held in said county and each fourth year thereafter; to prescribe his qualifications; fix his term of office and to fix within certain limits, his salary, prescribe his powers and duties.

State of Alabama, }
Washington County. }

I, Thos. A. Gordon, foreman of the Washington County News, a newspaper published at Chatom, Washington county, Alabama, do hereby certify that a copy of the notice of advertisement, as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated July 19, 1923, and ending with the issue dated August 9, 1923. I further certify that I have the right and authority to make this affidavit.

Thos. A. Gordon.

Sworn to and subscribed before me on this, the 9th day of August, 1923.

(Seal)

Wallace P. Pruitt,
Notary Public, Washington County, Alabama.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one

time and referred to appropriate standing committees as follows:
Judiciary, S. 376.
Local Legislation, S. 399.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 357. To provide an official court reporter for the Bessemer division of the Circuit Court of Jefferson County, Alabama; to provide assistants for such court reporter; to provide for the appointment and term of office of such court reporter and assistants; to fix the compensation and the manner of the payment thereof; to define the powers and duties thereof; to fix the per diem charges and fees for services rendered thereby, and the manner of taxing and collecting the same; to provide an office, and the equipment and supplies therefor; to prescribe the qualifications thereof, and generally to provide therefor.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Fite, the House concurred in and adopted the Senate amendment to the bill, H. 357, said Senate amendment being as follows:

Amend the bill by substituting the following for section 3:

Section 3. It shall be the duty of such court reporter to attend in person, except as otherwise herein provided, all sessions of said division of said court; and in every case where directed by the judge or requested by a party thereto, he shall take full stenographic notes of the oral testimony and proceedings, except arguments of counsel, and note the order in which all documentary evidence is introduced, all objections of counsel, the rulings of the court thereon, and exceptions taken thereto, and shall attend the investigations of the grand jury of said division of said court, and there take such notes of the testimony as directed by the solicitor or by the foreman of the grand jury. The original stenographic notes of said court reporter in each case or proceedings officially reported shall be preserved by him and treated as a part of the records of said court, and upon his retirement from office shall be turned over to the clerk of said court. He shall furnish within thirty days or within such other time as the judge may prescribe, to any party to a cause reported by him, upon payment being made for the same, or upon the order of the presiding judge, a transcript of his stenographic notes, or any

part thereof, except proceedings before the grand jury, upon payment of a transcript fee of not exceeding fifteen cents for each one hundred words thereof, and for each carbon copy made at the same writing seven and one-half cents for each one hundred words thereof, provided that such court reporter shall not be required to perform any part of such service until the payment or security thereof is assured. In all appeal cases the court reporter shall file with the clerk of said division of said court within thirty days after such appeal one typewritten copy of the court's oral charge delivered to the jury therein, without charge for such copy, and the said court reporter shall also transcribe on the typewriter his notes taken before the grand jury in cases where true bills are found and deliver the same to the solicitor of said division of said court without charge therefor.

Also amend by adding after section 9 and before section 10 an additional section to be numbered 9½, as follows:

Section 9½. That in any case before said court and reported by such stenographer wherein the county is a party or interested in the result thereof that upon order of the board of revenue or county attorney the stenographer shall transcribe the testimony taken in such case and furnish same to the board of revenue of such county without charge.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Hawkins	Nichols
Adams	Ferrell	Henley	Odom
Adcock	Fite	Holcombe	Parker
Allen	Forman	Hornsby	Poole
Bealle	Gaines	Howze	Posey
Bowen, Lewis	Glenn	Jeter	Powell
Bowen, L. K.	Glover	Kilpatrick	Ringer
Boykin	Goode	Lee	Rives
Burns	Goodwyn	Letson	Smith (Jefferson)
Burton	Graves	Long	Tiller
Byars	Grove	Love	Tunstall
Cato	Guy	Luck	Varner
Cook	Hall	Melton	Wall
Culver	Hampton	Moorer	Walton
Embry	Hatter	Moxley	Ware

—60

MESSAGE FROM THE GOVERNOR.

"Message to the House of Representatives:

I herewith return to you House bill 574, a bill to create a policemen's and firemen's pension and relief fund, without my approval.

The bill in its present form would, in my judgment, violate certain provisions contained in sections 68, 97 and 98 of the Constitution of this State. If the bill is susceptible of amendment which would make it conform to the provisions contained in these sections of the Constitution, it would meet my approval.

I feel, however, that I should say to the Legislature that it is probable that an amendment which would cure the bill of my objections would be inconsistent with the object and purpose of the bill. I however, suggest the following amendment which would remove my objection and if the bill be so amended it would meet my approval:

Amend the bill by adding at the end thereof the following proviso:

"Provided, however, that this Act shall never be construed nor enforced so as to authorize any municipal authorities to grant any extra compensation, fee or allowance to any public officer, servant, employee or agent after service shall have been rendered nor shall it ever be construed or enforced so as to authorize payment to any person of the salary of a deceased officer beyond the date of his death, nor shall it ever be construed or enforced so as to authorize the retirement of any officer on pay or part pay or make any grant to any retiring officer, but that all funds or monies paid out or expended under and by virtue of this Act shall be paid for services to be performed or duties to be discharged in the future by the persons or officers to whom such payments are made. The governing body of any municipality within the provisions of this Act may, however, assign duties and impose services to be performed by the persons or officers for whose benefit this Act is intended and may make appropriations and payment to such persons or officers in consideration for the performance of such services or the discharge of such duties so imposed upon them."

Respectfully submitted,
Wm. W. Brandon,
Governor.

August 31st, 1923."

On motion of Mr. Grove the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 574, said amendment as proposed by His Excellency, the Governor, being set out in the above and foregoing message from the Governor.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Howze	Parker
Adams	Dowdle	Jeter	Poole
Adcock	Dunwoody	Jones	Posey
Allen	Embry	Kilborn	Rives
Arrington	Fite	Kilpatrick	Sessions
Bealle	Gaines	Lee	Sollie
Blackwell	Glenn	Letson	Tiller
Boykin	Glover	Long	Tunstall
Burns	Goode	Love	Varner
Burton	Grove	Luck	Verner
Byars	Guy	Melton	Walker
Calloway	Hall	Moorer	Wall
Cato	Henley	Moxley	Walton
Christian	Holcombe	Nichols	Ware
Cook	Hornsby	Norman	Wyatt
Culver	Howard	Odom	Young
Deloney			

—65

Which was a majority of the whole number elected to the House.

And said bill:

H. 574. To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than one hundred and fifty thousand, according to the last or any subsequent Federal census, special funds to be known as "Policemen's and Firemen's Pension and Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the Police and Fire departments in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall hear and decide applications for pensions and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the Police and Fire departments in said cities during their disability, and for the retirement of such members on pension, either by reason of term of office or disability; to provide for the pensioning of members of such Police and Fire Departments after service therein; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the County in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a Board of Pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

As amended by the amendment proposed by the Governor, was again read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Cato	Gaines	Hodgson
Adams	Cook	Glenn	Holcombe
Adcock	Culver	Glover	Hornsby
Allen	Deloney	Goode	Howard
Arrington	Dickinson	Graves	Howze
Bealle	Dowdle	Grove	Hubbard
Blackwell	Dunwoody	Guy	Jeter
Boykin	Embry	Hall	Jones
Burns	Fanning	Hampton	Kilborn
Burton	Ferrell	Hatter	Lee
Byars	Fite	Hawkins	Letson
Calloway	Forman	Henley	Long

Love
Luck
Melton
Odom
Parker

Poole
Posey
Powell
Tiller

Tunstall
Varner
Verner
Wall

Ware
Williams
Wyatt
Young

—65

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate joint resolutions and sends same herewith to the House:

By Rules Committee:

S. J. R. 130. Resolved by the Senate, the House concurring, That when the two houses adjourn today they stand adjourned until Tuesday, September 4, 1923, at 2 P. M.

Also:

By Rules Committee:

S. J. R. 131. Be it resolved by the Senate, the House concurring, That the two houses meet in joint session today, at noon, to hear a message from the Governor.

J. E. Speight,
Secretary.

SENATE MESSAGE.

And the rules were suspended and the resolutions were adopted.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate standing committees as follows:
By Mr. Hodgson:

H. 865. To regulate the compensation of county commissioners or other like governing bodies in all counties of the State having a population of over twenty thousand and under thirty-six thousand according to the last Federal census, and to adequately punish violations of section four of this Act.

Revision of Laws.

By Mr. Hall (notice and proof):

H. 866. To provide for the election of a county superintendent of education for Bullock county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, to provide for a special election to be held to elect such county superintendent under this Act and to provide for the election of his successor in office.

Local Legislation.

Notice and proof, H. 866:

EXHIBIT A.

NOTICE OF PROPOSED LEGISLATION.

Notice is hereby given of the proposed intention to apply for the passage by the Legislature of Alabama at its present session, of a local Act for Bullock county, Alabama, in substance as follows:

A BILL

To be entitled an Act to provide for the election of a county superintendent of education for Bullock county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, to provide for a special election to be held to elect such county superintendent under this Act and to provide for the election of his successor in office.

Be it enacted by the Legislature of Alabama:

Section 1. That a county superintendent of education for Bullock county, Alabama, shall be elected by the qualified electors of Bullock county, Alabama, who shall hold office until his successor is elected and qualified as hereinafter provided. That within three months after passage and approval of the Act a special election shall be held on a day to be designated and fixed by the probate judge of Bullock county, Alabama, for the election of a county superintendent of education, who shall hold office until the next general election to be held in the State of Alabama and said county of Bullock and until his successor elected therein shall have qualified; that said special election shall be conducted and the vote canvassed and the results declared in all respects as now provided by the general election laws of Alabama for the election of county officers. Provided that the person elected as county superintendent at said special election shall enter upon the duties of his office as soon as he shall qualify thereafter.

Section 2. That at the next general election to be held in said county and State a county superintendent of education for Bullock county, Alabama, shall be elected, who shall hold office for a term of four years and until his successor is elected and qualified, unless sooner removed for good causes and each four years thereafter, a county superintendent of education for Bullock county, Alabama, shall be elected by the qualified voters of said county at the regular election, nomination for which office may be made in primary elections as other county officers.

Section 3. That the salary of said county superintendent of education shall be fixed by the county board of education of Bullock county, Alabama, which salary shall not be less than \$1,800.00 nor more than \$2,400.00 per annum, and which salary shall be paid in the same manner and way as now provided under the general laws of the State of Alabama for the payment of county superintendents of education in the several counties of the State.

Section 4. That said county superintendents of education shall be charged with the same duties and shall exercise the same powers as are now provided by the general school laws of the State of Alabama in the conduct of the office of county superintendents of education; and no person shall be eligible for the office of county superintendent of education of said county of Bullock who is not a graduate of a standard normal school, or who has not completed the courses in other institutions that are equivalent to such education or who does not hold a first grade or life certificate and in addition thereto has had at least three years of successful teaching experiences, two years of which must have been in the rural public schools of Alabama; that no person shall be eligible to such office who is not a qualified elector of Bullock county, Alabama, at the time of the nomination or election of such office.

Section 5. That in the event of a vacancy in said office for any cause, except removal, such vacancy shall be filled by the county board of educa-

tion, and the person so appointed shall hold office until the next general election thereafter when his successor shall be elected; that should any county superintendent be removed for cause by the county board of education of Bullock county, such vacancy shall be filled by appointment of the State Superintendent of Education, and his appointee shall hold office as in the case provided by appointment of the county board of education. Provided, that the county board of education may remove the county superintendent of education for immorality, misconduct in office, incompetency, or willful neglect of duty, or when the best interests of the schools require it; any of which causes must be alleged and proved, and the county superintendent of education shall have the right to be heard in his defense as in cases of impeachment against county officers, and all such hearings shall be before the county board of education and shall be conducted as in cases provided under the general laws for impeachment of county officers, and provided that upon such removal for cause any county superintendent may appeal to the circuit court and have a trial by jury.

Section 6. That the duties and powers prescribed by the general laws of Alabama for the office of county superintendents in the supervision of the schools of the several counties shall apply to and be incumbent upon the county superintendent. The county superintendent elected or appointed under the provisions of this Act, and before entering upon the duties of said office he must take the oath of office prescribed by the Constitution, and give bond in an amount to be fixed by the State Board of Education in a reputable surety company authorized to do business in Alabama, conditioned upon the faithful performance of the duties of his office, and upon the accounting and paying over to the proper authority all moneys coming into his hands.

Section 7. That all laws and parts of laws in conflict with the provisions of the Act are hereby repealed.

J. P. Hall.

State of Alabama, }
Bullock County. }

Before me, L. M. Moseley, a Notary Public, in and for the said county and State, personally appeared C. D. Norman, who being first duly sworn to speak the truth, deposes and says: That he is the publisher of the Union Springs Herald, that notice of the foregoing Act was published in the Union Springs Herald, a newspaper published in Bullock county, Alabama, once a week for three successive weeks, on the following dates, to-wit: Aug. 2, Aug. 9, Aug. 16, Aug. 23, 1923, and that a copy of said notice, as published, is hereto attached and marked "Exhibit A."

C. D. Norman, Publisher.

Subscribed and sworn to before me this the 30th day of August, 1923.

L. M. Moseley,
Notary Public.

(Seal)

By Mr. Walton:

H. 867. To provide for the levying and collecting of a license or privilege tax upon each person, firm, corporation, joint stock company or association engaged in the business of severing from the soil of this State any natural products such as timber, or turpentine; or any minerals, such as oil, gas, sulphur, salt, coal, iron ore, beauxite, limestone, marble, graphite, sand or gravel; or severing from the waters of this State any of the products thereof, such as oysters or shrimp; or engaged in the business of severing from the soil or waters of this State any other natural

product or resource, and to provide penalties for violations of this Act, or failure to comply with the provisions of this Act.

Mining and Manufacturing.

By Mrs. Wilkins (by request):

H. 868. To amend section 4339 of the Code of 1907 relating to the guardianship and custody of minor children.

Revision of Laws.

By Mr. Ashcraft of Fayette (with notice and proof):

H. 869. To provide for the election of a county superintendent of education for Fayette county, Alabama, fix his or her term of office, fix the qualifications, compensation and successor in office and prescribe his or her duties.

Local Legislation.

NOTICE.

A Bill to be Entitled An Act.

Notice is hereby given of the intention to apply for the passage of a local law for Fayette county at the present session of the Legislature of Alabama, 1923, the substance of said proposed law being as follows:

To provide for the election of a county superintendent of education for Fayette county, Alabama, fix his or her term of office, fix the qualification, compensation and successor in office and prescribe his or her duties.

Be it enacted by the Legislature of Alabama:

Section 1. That a county superintendent of education for Fayette county, Alabama, be elected by the qualified electors of Fayette county, Alabama, at the general election in November, 1924, and every four years thereafter.

Section 2. That said county superintendent of education shall be a qualified elector of Fayette county, Alabama, shall have taught in the public schools not less than three years, and shall at the time of his election, hold a first grade or life grade Alabama certificate.

Section 3. That said superintendent shall assume the duties of his office on the first Monday in December after his or her election, provided that he or she has made bond and taken the oath of office as required by law.

Section 4. That said superintendent of education shall receive compensation of not less than fifteen hundred dollars and not over twenty-four hundred, payable in twelve monthly installments. The said compensation to be fixed by the county board of education at a date not later than the first day of December following the election.

Section 5. That in an event of a vacancy or removal by death, resignation, incompetency or removal by the board of education, the county board of education shall fill said vacancy and he or she shall hold office until the next general election.

Section 6. The duties of the county superintendent of education provided for in this Act shall be the same as those required by the general law.

Section 7. All laws and parts of laws in conflict with this Act be and the same is hereby repealed in so far as Fayette county, Alabama, is concerned.

PUBLISHER'S AFFIDAVIT.

The State of Alabama, }
Fayette County. }

Before me, G. L. Smith, Notary Public in and for said county, in State aforesaid, personally appeared T. A. Wilson, who, being duly sworn, doth depose and say that he is publisher of the Fayette Banner, a weekly newspaper published in the town of Fayette, State and county aforesaid, and

that a certain advertisement (a true copy of which is hereto attached) has been published in said newspaper for 4 consecutive weeks prior to the 27th day of August, 1923, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit: No. 34, the 26th day of July, 1923; No. 35, the 2nd day of Aug., 1923; No. 36, the 9th day of Aug., 1923; No. 37, the 16th day of Aug., 1923.

Turner A. Wilson, Publisher.

Sworn to and subscribed before me, this 27th day of August, 1923.

(Seal)

G. L. Smith,
Notary Public.

By Mr. Gaines:

H. 870. To declare a lien in favor of landlords upon livestock raised, grown or grazed upon rented land or which has been permitted to run and feed upon crops grown on rented land, and to provide for the enforcement of such lien.

Revision of Laws.

By Mr. Rives:

H. 871. To create the office of county highway engineer, prescribe his duties, provide for his election, in counties of this State having according to the last or any subsequent Federal census 200,000 inhabitants or more.

Public Roads and Highways.

By Mr. Howze:

H. 872. To amend section 5973 of the Code of 1907.

Judiciary.

By Mr. Howze:

H. 873. To further revise, extend and amend the health and quarantine laws of the State of Alabama by making amendments of section 707 of the Code of Alabama.

Public Health.

By Mr. Fite:

H. 874. To legally confirm the local designation of Lake Bankhead, a part of the Warrior river.

Judiciary.

By Mr. Fite:

H. 875. To fix the salaries of executive officers, known and designated as marshals, in inferior courts in counties having a population of 200,000 or more according to the last or any subsequent Federal census.

Judiciary.

By Mr. Glenn (with notice and proof):

H. 876. To extend the terms of office of certain members of the commissioners court of Lauderdale county, Alabama, and to further prescribe the terms of office of members of the commissioners court of said county, and the time and manner of the nomination and election of members of the commissioners court of said county.

Local Legislation.

Notice and proof, H. 876:

PROPOSED LAW.

The State of Alabama, }
 County of Lauderdale. }

Notice is given that the undersigned intends to apply to the Legislature of Alabama for the passage of a local law substantially as follows:

A BILL

To be entitled an Act to extend the terms of office of certain members of the commissioners court of Lauderdale county, Alabama, and to further prescribe the terms of office of members of the commissioners court of said county, and the time and manner of the nomination and election of members of the commissioners court of said county.

Section 1. Be it enacted by the Legislature of Alabama, That the terms of office of those members of the commissioners court of Lauderdale county, Alabama, representing commissioners district numbers 1 and 3 in said county, said districts having been laid off in pursuance of the Legislative Act of February 9, 1877, are hereby extended for the period of two years from the date of the expiration of the terms for which they were elected; and the terms of office of commissioners from said districts for succeeding terms shall thereafter be four years each, beginning with the end of the extended terms hereby created.

~~Section 2. Be it further enacted, That elections for members of the commissioners court for said county shall be held at the general elections next preceding the expiration of the terms of office of the respective members of said court, and at said general elections all qualified voters of said county shall vote for each of the offices of commissioner to be filled at such election.~~

Section 3. Be it further enacted, That in primary elections candidates seeking the office of commissioner from a given commissioner's district in said county shall be voted on only by those qualified voters residing and voting within that district.

Section 4. Be it further enacted, That all laws and parts of laws in conflict with this Act are hereby repealed.

This July 27, 1923.

R. Lee Glenn.

State of Alabama, }
 County of Lauderdale. }

Before me, the undersigned authority, personally appeared Prentiss Blackwell, who being duly sworn on his oath states that he is manager of the Florence Daily News, a newspaper published in Florence, Lauderdale county, Alabama, and that there was published once a week for four consecutive weeks in said paper, the insertions being on July 27, August 3, 10 and 17, the notice attached hereto of a proposed local law for Lauderdale county, Alabama, relating to the election of the county commissioners.

Prentiss Blackwell.

Sworn to and subscribed before me on this 20th day of August, 1923.

Jno. L. Hughston,
 Notary Public.

By Mr. Byars:

H. 877. To authorize the court of county commissioners, the board of revenue and road commissioners, or like body, in each county in this State to provide telephones for the officers of clerks and registers of the circuit court, the office of the sheriff, and the office of the jailer, and the judge of probate or any other county officer in their respective counties.

Revision of Laws.

By Mr. Byars:

H. 878. To fix the time for holding the jury terms of the county court of Lawrence county, Alabama.

Local Legislation.

By Mr. Goodwyn:

H. 879. To authorize any literary society, social society, young men's Christian association, or young women's Christian association, to convey the title to real estate belonging to it, and to prescribe the proceedings to authorize the execution of the deed, and to prescribe the prima facie evidence of the authority to execute the deed, and to authorize a certified copy of the minutes of the meeting authorizing the execution of the conveyance to be recorded in the office of the judge of probate where the property is situated, and to prescribe the effect thereof.

Judiciary.

By Mr. Embry:

H. 880. To provide for the appointment of school trustees in towns of seven hundred or more inhabitants, according to last or any subsequent Federal census.

Education.

By Mr. Embry:

H. 881. To amend section 86A of "An Act in reference to and to further provide for the general revenue of the State of Alabama," approved August 23, 1923.

Ways, Means and Appropriations.

By Mr. Adcock:

H. 882. To authorize and create an additional judge of the Fifth Judicial Circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other circuit judges of the State, and to provide for the salary of said judge.

Revision of Laws.

By Mr. Graves (with notice and proof):

H. 883. To provide for the payment and to make legal all claims, script and certificates issued to witnesses and officers heretofore registered with the treasurer of Tallapoosa county, and to authorize, empower and direct the treasurer of said county to pay the same out of the fine and forfeiture fund of said county in the order of registration.

Local Legislation.

Notice and proof, H. 883:

NOTICE.

Notice is hereby given, as provided by section 106 of the Constitution of 1901, that a bill will be introduced into the Legislature of Alabama at the adjourned session of such Legislature to be held on the 10th day tention to apply for the enactment of such law is hereby given, and such bill shall be substantially as follows:

A BILL

To be entitled an Act to provide for the payment and to make legal all claims, script and certificates issued to witnesses and officers heretofore registered with the treasurer of Tallapoosa county, and to authorize, empower and direct the treasurer of said county to pay the same out of the fine and forfeiture fund of said county in the order of registration.

Be it enacted by the Legislature of Alabama:

Section 1. That all claims, script and certificates issued to witnesses and officers of the court in Tallapoosa county, and heretofore registered with the treasurer of said county be, and the same are, hereby ratified and made legal, and the treasurer of said county is hereby authorized, empowered and directed to pay the same in the order of their registration out of the fine and forfeiture fund of said county.

The State of Alabama, {
Tallapoosa County. }

Before me, J. Percy Oliver, Judge of Probate in and for said county, in said State, personally came T. R. Andrews, who being duly sworn, says on oath, that he is editor and publisher of the Dadeville Spot Cash, a weekly newspaper published at Dadeville, Tallapoosa county, Alabama, that the notice hereto attached, giving notice of the intention to apply to the Legislature of Alabama for the passage and enactment of a local law for Tallapoosa county providing that all script and certificates issued to witnesses ~~and officers~~ heretofore registered shall be paid by the county treasurer of Tallapoosa county in the order of ~~their~~ registration and to make legal all such claims, was published in said Dadeville Spot Cash for four consecutive weeks, in four consecutive issues of said newspaper, as follows, to-wit: June 20th, 1923, June 27th, 1923, July 4th, 1923 and July 11th, 1923, a copy of said notice is hereto attached as a part of this affidavit.

Thos. R. Andrews,

Editor and Publisher of Dadeville Spot Cash.

Subscribed and sworn to before me this 28th day of August, 1923.

J. Percy Oliver,

Judge of Probate, Tallapoosa County, Alabama.

By Mr. Bealle:

H. 884. To amend section 5, section 7, section 8, section 9, section 13 and section 14 of "An Act to provide for State registration of nurses," enacted by the Legislature of Alabama at its regular session in 1915 and approved August 6th, 1915, and found in the General Acts of Alabama 1915, on pages 271 to 274 inclusive.

Public Health.

By Mr. Powell:

H. 885. To provide for the conservation of land and the restoration of the surface where denuded or excavated by the stripping process for the purpose of extracting coal deposits, and to provide penalties for violations of this Act.

Mining and Manufacturing.

By Mr. Powell:

H. 886. A bill to be entitled an Act to submit to the qualified voters of the State, at the general election to be held on the first Tuesday after the first Monday of November, 1924, for their consideration, an amendment to the Constitution of the State, so as

to authorize and empower the Legislature from time to time by general or local laws to fix, regulate and alter the costs, charges of courts, fees, commissions, allowances or salaries to be charged or received by any county officer of Walker county, including the method or basis of their compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz.: The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the costs, charges of courts, fees, commissions, allowances or salaries to be charged or received by any county officer of walker county, including the method and basis of their compensation.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least eight successive weeks next preceding the general election in November, 1924, of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State for their consideration together with the proposed amendment.

Section 3. That at the general election in November, 1924, an election shall be held for the vote of the qualified electors of the State upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz.: Amendment to Constitution, authorizing the Legislature, by general or local laws, from time to time, to fix, regulate and alter the costs, charges of courts, fees, commissions, allowances and salaries to be charged or received by any county officer of Walker county, including the method and basis of their compensation. Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by a cross mark by him opposite the word expressing his desire.

Section 4. The officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

The above and foregoing bill, H. 886, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Judiciary.

By Mr. Powell:

H. 887. A bill to be entitled an Act to submit to the qualified voters of the State, at the general election to be held on the first Tuesday after the first Monday of November, 1924, for their consideration, an amendment to the Constitution of the State, so as to authorize and empower the Legislature from time to time by general or local laws to fix, regulate and alter the costs, charges of courts, fees, commissions, allowances or salaries to be charged or received by any county officer of this State, including the method or basis of their compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz.: The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the costs, charges of courts, fees, commissions, allowances or salaries to be charged or received by any county officer of this State, including the method and basis of their compensation.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least eight successive weeks next preceding the general election in November, 1924, of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State for their consideration together with the proposed amendment.

Section 3. That at the general election in November, 1924, an election shall be held for the vote of the qualified electors of the State upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz.: Amendment to Constitution, authorizing the Legislature, by general or local laws, from time to time, to fix, regulate and alter the costs, charges of courts, fees, commissions, allowances and salaries to be charged or received by any county officer of this State, including the method and basis of their compensation. Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by a cross mark by him opposite the word expressing his desire.

Section 4. The officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be

canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

The above and foregoing bill, H. 887, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Judiciary.

By Mr. Verner:

H. 888. To appropriate fifty thousand (\$50,000) dollars per annum for the calendar years 1924, 1925, 1926, and 1927 to provide, build and procure suitable buildings, furniture and equipment for the Alabama Home for Mental Inferiors.

Ways, Means and Appropriations.

By Mr. St. John:

H. 889. To require every person, firm or corporation operating a railroad in Alabama to construct and maintain good and sufficient crossings on the public roads and streets crossed by such railroads and to keep same renewed and in good repair at their own expense; to grade to a level with the rails of such railroad and to keep in good repair every such public road and street crossing for a distance of ten feet on each side of such railroad track; to provide penalties for the failure to comply with the requirements of said sections 1 and 3 of this Act; to provide for the elimination of grade crossings and for the construction of over-passes and under-passes where any such railroads intersect public roads or streets within this State and for determination of the expense thereof between the person, firm or corporation operating any such railroad and the State of Alabama, counties and municipalities, and to provide for requiring the payment of such expense; to confer upon the State Highway Department, the State Highway Engineer and the Alabama Public Service Commission jurisdiction to perform the duties imposed upon them by this Act and to prescribe penalties for failure or refusal of any person, firm or corporation operating any such railroad to comply with the provisions hereof.

Corporations.

By Mr. Jeter:

H. 890. To protect the advertisers of the State of Alabama, and of other states, from being defrauded by means of any false or fraudulent representations of the circulation of any newspaper or other publication, published or circulated, or stated, or caused to be stated, published or circulated by any publisher or publishers, or advertising solicitor or any other agent of any

newspaper or other publication, published in the State of Alabama, and to provide the penalty therefor, and to provide for the prosecution of the same, and to provide the penalty therefor, and to repeal all conflicting laws.

Judiciary.

By Mr. Jeter:

H. 891. To amend and re-enact an Act entitled an Act to create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census, or which shall have such population according to any such census that may be hereafter taken special funds to be known as policemen's pension and relief funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; ~~to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pension and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years service; to provide for allowances or benefits to widows and children and dependent widowed mothers of such members of police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for application to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the county in which the city is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the Act being held unconstitutional shall not affect the validity of any other section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in con-~~

flict with the provisions of the Act be repealed. Approved Feb. 16th, 1923.

Revision of Laws.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Walton:

H. R. 146. Resolved, That Senate bill 36 be made a special, paramount and continuing order for the 40th legislative day after reports of standing committees.

And the resolution was referred to the Committee on Rules.

By Mr. Parker:

H. R. 147. Resolved, That H. 650 be made a special order for the 41st legislative day.

And the resolution was referred to the Committee on Rules.

By Mr. Smith of Clay:

H. R. 148. Resolved, That H. 288 be made a special, paramount and continuing order for the 40th legislative day.

And the resolution was referred to the Committee on Rules.

By Mr. Gaines:

H. R. 149. Resolved, That S. 81 be made a special order for the 40th legislative day.

And the resolution was referred to the Committee on Rules.

By Mr. Glenn:

H. R. 150. Resolved, That H. 498 be made a special, continuing, paramount order for the 40th legislative day immediately following the reports of standing committees.

And the resolution was referred to the Committee on Rules.

By Mr. Smith of Lee:

H. R. 151. Resolved, That S. 397 be a special, continuing and paramount order for the 42nd legislative day.

And the resolution was referred to the Committee on Rules.

By Mr. Grove:

H. R. 152. Resolved, That H. 677 be made a special, continuing and paramount order for the 40th legislative day after reports of standing committees.

And the resolution was referred to the Committee on Rules.

By Mr. Grove:

H. R. 153. Resolved, That H. 656 be made a special, continuing and paramount order for the 40th legislative day.

And the resolution was referred to the Committee on Rules.

By Mr. Kilborn:

H. R. 154. Resolved, That H. 524 be made a special, continuing and paramount order for the 40th legislative day.

And the resolution was referred to the Committee on Rules.

By Mr. Calloway:

H. R. 155. Resolved, That S. 302 be made a special order for the 41st legislative day.

And the resolution was referred to the Committee on Rules.

By Mr. Calloway:

H. R. 156. Resolved, That H. 41 be made a special order for the 41st legislative day.

And the resolution was referred to the Committee on Rules.

By Mr. Fite:

H. R. 157. Resolved, That H. 734 be made a special order for the 40th legislative day.

And the resolution was referred to the Committee on Rules.

Rules Committee:

H. R. 158. Resolved, That S. 172 and H. 372 be made special orders for the 39th legislative day.

And the rules were suspended and the resolution was adopted.

Rules Committee:

H. R. 159. Resolved, That S. 295 be and is hereby made a special, paramount order for the 41st legislative day.

And the rules were suspended and the resolution was adopted.

Rules Committee:

H. R. 160. Resolved, That S. 191 be made a special order for the 41st legislative day.

And the rules were suspended and the resolution was adopted.

By Mr. St. John:

H. R. 161. Resolved, That S. 375 be made a special order for the 41st legislative day.

And the rules were suspended and the resolution was adopted.

By Mr. Goodwyn:

H. R. 162. Resolved, That H. 272, H. 575, H. 527, H. 39 and H. 73 be made special, paramount continuing orders.

And the resolution was referred to the Committee on Rules.

By Mr. Luck:

H. R. 163. Resolved, That H. 679 be made a special order of business for the 40th legislative day.

And the resolution was referred to the Committee on Rules.

REPORT OF RULES COMMITTEE.

Mr. Tunstall, acting chairman of the Committee on Rules, returned to the House, the following resolutions with a favorable report: H. R. 140, H. R. 141, H. R. 142 and H. R. 144.

And the resolutions were adopted.

BILLS ON SECOND READING.

Mr. Verner, chairman of the Standing Committee on Judiciary, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 510 (with amendment). To amend "An Act to regulate inferior courts in cities having more than thirty-five thousand population according to the last Federal census, or any subsequent Federal census, to prescribe the jurisdiction of such courts and provide for the number and compensation of the judges for said courts, and to provide for the appointment and compensation of the clerks, assistant clerks, bailiffs and other officers thereof, and to abolish the office of the justice of the peace in said cities.

Mr. Verner, chairman of the Standing Committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 455. To amend section 374 of the Code of 1907.

H. 615. To provide for the appointment of a deputy register of the chancery division of the circuit court in all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census and to fix the compensation of said deputy register.

H. 616. To fix the compensation of the clerk of the probate court in all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census.

H. 697. To amend section 2 of an Act approved November 23, 1907, which is entitled "An Act to amend sections 5, 29, 35, 41 and 52 of an Act of the Legislature of Alabama entitled 'An Act to create a railroad commission to be known as the railroad commission of Alabama, define its duties and powers and provide for its mode of procedure and to prescribe penalties for the violation of its orders,' approved February 23, 1907."

H. 739. To fix the compensation of circuit judges in all circuits of the State of Alabama which circuits are composed of only one county and have two judges, or which circuits may hereafter be composed of one county and have two circuit judges, and to provide that a portion of such salaries shall be paid out of the county treasury of the counties constituting the respective circuits.

H. 740. To authorize the treasurer to dispose of or destroy certain bonds or State securities which have accumulated in the vaults or basement of the State treasury.

H. 757. To prohibit persons, firms and corporations from becoming surety for compensation upon criminal or quasi-criminal bonds or appeal bonds in criminal or quasi-criminal cases.

H. 776. To provide further for appeals from or for revision of any orders, judgments or decrees of the circuit court to the Supreme Court or Court of Appeals in cases awarding damages

or compensation to employees under the Workmen's Compensation Act or Acts of this State.

H. 777. To amend an Act entitled "An Act to amend sections 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6460, 6461, 6462, 6463, 6464, 6465, of the Code of Alabama, 1907," approved September 16, 1915.

H. 839. To provide for and regulate further the care, support and maintenance of the poor and paupers of the several counties of the State of Alabama.

H. 814. To authorize and provide a fund to be known as the State Insurance Fund which is to be carried by the State Treasurer for the purpose of insuring against loss by fire or tornado all State-owned buildings or buildings in which the State has appropriated monies for the erection or equipment thereof, or which may have been deeded to the State, and all property equipment, furniture and fixtures or supplies belonging to or stored in such buildings and any and all properties of such nature as may be acquired by the State, and to this end to establish a basis for ~~assessment~~ and collection of premiums, to provide for a sinking fund with which to pay losses, to provide an emergency appropriation to be used only in case of loss by fire or tornado in excess of collection of premiums, to provide for a division of the State's property into groups, to provide for return of surplus for maintenance purposes, to provide for inspection and valuation of State property and promulgate rules and regulations necessary for the operation of the Act.

H. 815. To authorize the board of revenue or court of county commissioners of any county in this State to furnish the several offices of such county with equipment and conveniences, including telephone service.

H. 831. To amend section 1 of an Act entitled an Act to provide for the appointment of deputy registers and deputy clerks for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputies—approved October 1, 1920.

H. 837. To change the name of the "State Board of Convict Supervisors" to the "State Board of Administration."

H. 843. To authorize the State Auditor to draw a warrant on the treasury in favor of the employees and clerks of the Legislature of 1923 as provided by the report of the committee appointed under Senate joint resolution 86, and adopted August 2, 1923.

H. 789. To amend section 5970 of the Code of Alabama, as amended by an Act of the Legislature of Alabama approved April 20, 1911.

H. 844. To provide for the compensation of the assistants in the department of the clerk of the Supreme Court.

H. 855. To amend sections 12 and 15 of an Act to establish the court of appeals for the State of Alabama and to provide for the transfer of certain causes now pending in the supreme court to said court of appeals, approved March 9th, 1911, so as to read as follows.

H. 856. To establish and regulate liens in favor of jewelers, watchmakers and silversmiths who shall alter, repair or do any work on any article of personal property, and to regulate the procedure for enforcement thereof.

H. 857. To regulate the sale at public auction of gold, silver, plated ware, precious stones, watches, clocks, jewelry, books, bric a brac, rugs, clothing, china, crockery, glassware and leather goods, and to provide penalties for the violation thereof.

H. 858. To amend section 3319 of the Alabama Code of 1907.

S. 305. To amend an Act entitled "An Act to amend section 153 of the Code of Alabama," approved September 30th, 1919.

S. 371. To increase the power and authority of courts of county commissioners and courts of like jurisdiction in the acquisition by leasing, or otherwise, and in the maintenance and operation of bridges over navigable or other streams, and to authorize the expenditure of county funds for said purpose. To authorize and empower said courts to contract for and take over by lease, or otherwise, the operation of bridges over navigable or other streams and to maintain the same as public highways; to authorize said courts to expend county funds in carrying out said contracts, in payment of lease hire, in the cost of maintenance, in paying for liability incurred by the counties to the owners or lessors of such bridges, on account of accidents or injuries that may arise from their operation; to contract with other courts of county commissioners or courts having like jurisdiction, for the joint taking over and operating of bridges; to lease, maintain, guard and keep in repair, such bridges, whether they lie in part or wholly within the limits of any incorporated municipality and to ratify and confirm all contracts heretofore made by any court of county commissioners or court of like jurisdiction, whether with each other or with private parties for the taking over, maintenance, leasing and operation of bridges and all payments heretofore made by any county of this State through its properly authorized officers on account of such contracts or operations, or on account of pre-existing contracts or operations.

Mr. Walker, chairman of the Standing Committee on Revision of Laws, reported that said committee in session had acted on the following bill and ordered same returned to the House with favorable report with substitute:

H. 17 (with substitute). To amend section 4288 of the Code of Alabama (mortgage of personal property).

Mr. Walker, chairman of the Standing Committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with favorable report.

S. 304. To amend section 146 of the Code of Alabama of 1907 relating to auditing and registry of claims; how paid.

S. 306. To amend section 147 of the Code of Alabama of 1907 relating to itemizing, proving, entering and filing claims.

H. 813. To authorize and empower the sheriff of all counties of the State of Alabama which now have a population of 75,000 and not more than 95,000 population, according to the last Federal census or any subsequent Federal census, to employ an attorney to advise and represent him in his official capacity, and to fix the compensation of such attorney and the manner of payment thereof.

Mr. Ashcraft of Lauderdale, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 344. To make an appropriation for the relief of Tom McCollum for loss of 44 head of dairy cattle killed under the direction of the Live Stock Sanitary Board of Alabama to prevent the spread of tuberculosis among live stock.

Mr. Ashcraft of Lauderdale, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report with amendment:

H. 563 (with amendment). To make an appropriation for the maintenance of county high schools and for high school supervision.

H. 564 (with amendment). To make an appropriation for exceptional education including the removal of adult illiteracy.

H. 566 (with amendment). To make an appropriation for the erection, repair and equipment of rural school buildings and to provide for its apportionment.

H. 567 (with amendment). To amend section 6 of an Act entitled "An Act to provide for the acceptance of the benefits of an Act by the Senate and House of Representatives of the United States of America in Congress assembled (H. R. 4438, approved June 2, 1920) entitled 'An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment;' to provide

for the administration of same, and to make appropriations for these purposes. * * *," approved October 6, 1920.

Mr. Ashcraft of Lauderdale, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 568. To make an appropriation for printing blanks, records and other forms, bulletins and manuals which are by law authorized to be supplied to the counties by the State Board of Education; and for the purchase of stationery, postage and miscellaneous supplies required in the performance of this and other services.

Mr. Ashcraft of Lauderdale, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 601 (with amendment). To make appropriations for the promotion of vocational education in agriculture, trades and industries, and home economics in co-operation with the Federal Board for Vocational Education or otherwise.

Mr. Ashcraft of Lauderdale, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 641. For the relief of the creditors of the Alabama Oyster Commission. Whereas, by an Act approved April 18, 1911, the Legislature of this State appropriated \$15,000.00 for the use of said commission and whereas, the full amount of said appropriations was never used by said Alabama Oyster Commission, and whereas, said Alabama Oyster Commission has been abolished, and owed certain debts at the time of its abolition, therefore.

H. 707. For the relief of A. H. Shepperd, register of the circuit court of Calhoun county, to pay him the sum of \$305.85 due him by the State of Alabama, for services rendered by him as such register in the case of the State of Alabama against Alabama Land & Mineral Co., et al., in the circuit court of said county.

H. 744. To amend section 1 of an Act entitled "An Act to make an appropriation for the State normal schools for white teachers located at Florence, Jacksonville, Livingston, Troy, Daphne and Moundville," approved September 30, 1919.

H. 745. To make an appropriation for the support and maintenance of the four white normal schools located at Jacksonville,

Florence, Livingston and Troy and for the normal school for negroes located at Montgomery; and to provide a basis of apportionment to these institutions.

H. 760. To appropriate the necessary sum for payment of amounts due by the State to any county for preparing and serving food for prisoners in their respective county jails from January 1st, 1921, to June 30, 1923, and which are unpaid.

H. 807. To make appropriations for the support and maintenance of institutions of higher learning in Alabama, including the Agricultural and Mechanical College for Negroes, the Alabama Technical Institute and College for Women, the Alabama Polytechnic Institute, and the University of Alabama, and to prescribe conditions governing said appropriations.

Mr. Ashcraft of Lauderdale, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report with substitute:

H. 660 (with substitute). To authorize the Governor to acquire for the use of the State additional property.

H. 667 (with substitute). To make appropriations to the State Normal School for white teachers, at Daphne, Alabama.

H. 806 (with substitute). To make appropriations to the Alabama Technical Institute and College for Women, the University of Alabama and the Alabama Polytechnic Institute.

Mr. Ashcraft of Lauderdale, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report with amendment:

H. 778 (with amendment). To make an appropriation to the State Board of Education for executive, supervisory and clerical purposes in the administration of the State Department of Education.

H. 779 (with amendment). To make an appropriation for the maintenance and support of the ten State secondary agricultural schools.

Mr. Adcock, chairman of the Standing Committee on Pensions and Soldiers Home, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 239. To provide for an Alabama Confederate monument at Gettysburg.

H. 347. To amend section 2047 of the Code of Alabama as last amended.

Mrs. Wilkins, chairman of the Standing Committee on Public Health, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 171. For the promotion of medical science by the distribution and use of unclaimed dead human bodies for scientific study through a board created for that purpose.

Mr. Snodgrass, chairman of the Standing Committee on Military, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 717. To provide adequate facilities for the air service units of the Alabama National Guard and to appropriate the necessary funds.

Mr. Culver, chairman of the Standing Committee on Education, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 702. To determine the number of children retarded in mental development in the several counties and cities of the State and to provide for their instruction.

H. 748. To amend section 1 of article 3 of an Act entitled "An Act to provide a complete educational system for the State of Alabama * * *," approved September 26, 1919.

H. 750. To amend section 3 of article 24 of an Act entitled "An Act to provide a complete educational system for the State of Alabama * * *," approved September 26, 1919.

S. 231. To validate and legalize elections heretofore held under the provisions of an Act of the Legislature approved February 13, 1919, entitled, "An Act to provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county; to authorize any school district, in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such school district; and to authorize boards of education to issue interest bearing warrants to erect, repair and equip school buildings and to otherwise improve school facilities."

S. 252. To amend an Act entitled "An Act to regulate public schools in the county of Mobile," approved February 15, 1876 by amending section 7 thereof so as to relieve the county superintendent of education from the duty of collecting, receiving and

disbursing the revenue of the board of school commissioners of Mobile county; and by adding another section to empower and require the said board to elect a treasurer of the board of school commissioners of Mobile county and to fix his term of office and salary, the said section to prescribe his duties and to require him to execute a bond for the faithful performance of his duties.

Mr. Culver, chairman of the Standing Committee on Education, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 753 (with amendment). To amend section 3 of article 2, section 2 of article 3, section 24 of article 3, section 5 of article 8, article 12 by adding section 5½, section 8 of article 12, section 5 of article 15, section 3 of article 18, section 3 of article 20, section 2 of article 24, section 7 of article 24, section 10 of article 24, and section 2 of article 40 of an Act entitled "An Act to provide a complete educational system for the State of Alabama * * *," approved September 26, 1919.

Mr. Long, chairman of the Standing Committee on Commerce and Common Carriers, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 397. To amend section 5652 of the Code of Alabama of 1907.

Mr. Burns, chairman of the Standing Committee on Agriculture, reported that said committee in session had acted favorable on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 570 (with substitute). To provide a general system of legislation pertaining to agriculture and industries, and related subjects, including therein: the establishment of a Department of Agriculture and Industries; a State Board of Agriculture; the abolishment of the board of agriculture as provided by an Act approved February 11, 1911, and known as the board of agriculture; the abolishment of the board provided for by chapter 24 of the Code of 1907, as subsequently amended and known as the State Board of Horticulture; and the abolishment of a board provided for by article 4 of chapter 22 of the Code of 1907, as subsequently amended and known as the State Livestock Sanitary Board; the transfer of all the powers and duties vested in and required to be performed by the said boards abolished, and of any unexpended balances of fees or appropriations to the said board created in this Act; the prescribing of the powers and duties of the commissioner of agriculture and industries, and of

the State Board of Agriculture; and including ample provisions governing and regulating the subjects of fertilizers and fertilizer materials; limestone; white lead or paints, linseed oil, and turpentine; kerosene and other illuminating oils; insecticides and fungicides; commercial feeds; agricultural seeds; eggs; vinegar; sausage, imitation butter and cheese; milk, cream, ice cream and other dairy products, and the premises thereof; foods and drugs; bleached flour; corn meal; mills and millers; bees and honey; weights and measures, and the legal weights and measures of certain commodities; public gins; cotton; cotton standards and public cotton classers; public warehouses; uniform law of warehouse receipts; horticultural and floracultural products; trees, fruit trees, seeds, plants and vines as to name, variety and kind; citrus fruits; sale of farm produce by the producer; standards for agricultural products and their containers; standards for grain; livestock; livestock pedigrees, stock running at large; estrays; public service of stallions and jacks; the sale of farm produce on commission; the leveeing, ditching and draining of wet, swamp and overflowed lands; the purchase and support of experimental farms by counties; the approval and support of county agents; the establishment of an agricultural fund in the State treasury out of the sums accruing from the operation of the provisions of this Act, and the appropriations from said fund, except for those purposes that have been heretofore and are now provided for in the general appropriation bills, for the support of these provisions; and the repeal of all laws and parts of laws in conflict with the provisions of this Act.

Mr. Burns, chairman of the Standing Committee on Agriculture, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 617. To protect land owners against the burdens of increased assessments or tax raises on lands being drained in Alabama.

H. 608. To make an appropriation to pay premiums on cattle and hogs exhibited at the Alabama Fat Stock Show in Montgomery, Alabama.

Mr. Luck, chairman of the Standing Committee on Local Legislation, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 256. To amend an Act entitled an Act to establish a county court for Morgan county, to define its jurisdiction and powers; to provide for its officers, their powers, duties, compensation; to provide that said court shall be open at all times for the trial

of cases and transaction of business, prescribing the rules and procedure of said court, and to provide for the transfer of causes now or hereafter pending in the circuit court of Morgan county to the Morgan county court.

H. 331. For the relief of C. L. Spain.

H. 682. To make it lawful for any person, or persons, to use fish traps with fingers or slats not less than one inch apart for the purpose of taking or catching fish in that part of the Coosa river that lies within St. Clair county, Alabama, and to further regulate the operation of such traps.

H. 713. To abolish the office of jury commissioners and the jury commission as now constituted in and for Coffee county, Alabama; and to impose on the county commissioners of Coffee county, Alabama, the performance of all the duties and acts now required of the jury commissioners and the jury commission of said county, which duties are prescribed in the Act of the Legislature of Alabama, approved August 31, 1909; and to fix compensation of said county commissioners of said county for performance of such duties.

H. 735. To amend section 1 of an Act entitled "An Act to fix the pay of grand jurors and petit jurors serving in the circuit court of Crenshaw county. To prescribe the manner of payment and to prescribe the duties of the circuit clerk and county treasurer of Crenshaw under this Act," approved September 5, 1919.

H. 804. For the relief of the county officers in Walker county, Alabama, and to provide for the filing and allowance of claims against the fine and forfeiture fund of said county for fees or other compensation for services rendered during the ten years immediately preceding January 1st, 1923."

H. 826. To amend an Act "To ratify, confirm, validate and make legal, effective and binding, a certain county warrant issued by Jefferson county, Alabama, at the October 17th, 1921 term of the board of revenue, held at Bessemer, in said county; said warrant being dated the 17th day of October, 1921, payable to the city of Bessemer for nineteen thousand six hundred sixty-seven and 65/100 dollars (\$19,667.65), and payable on demand, the said warrant or voucher being signed by Lacey Edmundson, pro tem president of said board of revenue and attested or countersigned by J. W. Pickens, clerk, and to require and direct the treasurer of said Jefferson county, Alabama, to recognize and treat said warrant or voucher No. 1583, in all things, as the legal and valid warrant or voucher of said Jefferson county, Alabama, and pay same with interest thereon from date.

H. 834. To alter and fix the boundary lines of the city of Roanoke, Alabama.

H. 840. To authorize and direct the court of county commissioners, or board of revenue, or governing board or court of like

jurisdiction in Walker county to pay for advertising the notice and substance of local bills to be introduced in the Legislature for said county, at the lawful rate of advertising in said county, out of any money in the county treasury not otherwise appropriated, when the bills apply to the entire county, and this Act shall apply to and include the notice and substance of bills advertised to be introduced at and during the present, 1923, session of the Legislature.

H. 841. To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Walker county, Alabama; to define the duties and powers of the court of county commissioners, with the regard to same, and to fix penalties for the violations thereof and to provide for the payment of a per capita tax in lieu of road duty; to provide for the payment of a license or privilege tax on gasoline and to provide for the collection thereof and penalties for violation thereof.

S. 364. To amend section 7 of an Act entitled an Act to establish an inferior civil court in lieu of justices of the peace for all precincts lying within or partly within the city of Mobile, approved April 15th, 1911.

Mr. Embry, chairman of the Standing Committee on Public Roads and Highways, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 587 (with amendment). To authorize courts of county commissioners or other governing bodies in counties to designate certain roads whereon vehicles loaded with more than 500 pounds of lumber or other merchandise or freight shall not be allowed to travel and to prescribe the penalty for violation of any such rule or ordinance or regulation.

Mr. Embry, chairman of the Standing Committee on Public Roads and Highways, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 860. To designate a certain public road of Alabama as a State trunk road and to provide for the location thereof and the manner in which said road shall be located, improved and maintained.

Mr. Howze, chairman of the Standing Committee on Mining and Manufacturing, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 853. To amend sections 2 and 15 of an Act entitled "An Act to regulate the mining of coal in Alabama," approved April

18, 1911, and as amended by an Act approved 30th day Sept. 1919.

The above and foregoing bills were severally read a second time and placed upon the calendar.

By Mrs. Wilkins:

H. 850. To propose an amendment to section 124 of the Constitution of the State of Alabama and to order an election by the qualified electors of the State upon such proposed amendment, which election shall be held at the general election next succeeding this session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to section 124 of the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State upon such proposed amendment, which election shall be held at the general election next succeeding this session of the Legislature at which this amendment is proposed. The proposed amendment is as follows, namely:

Section 124. The Governor shall have power to grant reprieves, commutation of sentence and pardons; ~~but pardons shall~~ only be granted upon written recommendation of a majority of the State Prison Commission hereinafter created. Pardons in felony cases and for other crimes involving moral turpitude shall not relieve from civil and political disabilities unless upon the written approval of the State Prison Commission and so specified in the pardon. There is hereby created a State Prison Commission consisting of three members, to be appointed by the Governor and confirmed by the Senate. The terms of the first members of the commission shall be four, eight and twelve years, respectively, and the terms of their respective successors shall be twelve years. The State Prison Commission shall have exclusive jurisdiction, control and management of all State and county convicts; and of convict department; its properties, its revenues and expenditures; and shall have exclusive power and authority to grant and to revoke paroles, to remit fines and forfeitures, to grant short time for good conduct, and to originate, ordain, execute and enforce all necessary rules and regulations for the exercise of the exclusive power and authority herein conferred on such State Prison Commission. Nothing herein shall be construed to limit in any way the authority of the Legislature of Alabama to enact such laws concerning the granting of paroles, reprieves, and commutations of sentences, and concerning Convict Department, as in its judgment shall be advisable.

This amendment to the Constitution shall become effective upon the first Monday after the second Tuesday in January, nineteen hundred and twenty-seven.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor which shall be published in one newspaper once a week, in every county in the State for at least 8 consecutive weeks, next preceding the date hereby appointed for such election.

Section 3. At the election hereby ordered to be held herein provided, the qualified electors shall vote on said proposed amendment and on the official ballot printed for such election there shall be printed the following, viz.:

"Shall the following be adopted as section 124 of the Constitution of Alabama?"

Section 124. The Governor shall have power to grant reprieves, commutation of sentence and pardons; but pardons shall only be granted upon written recommendation of a majority of the State Prison Commission hereinafter created. Pardons in felony cases and for other crimes involving moral turpitude shall not relieve from civil and political disabilities unless upon the written approval of the State Prison Commission and so specified in the pardon. There is hereby created a State Prison Commission, consisting of three members, to be appointed by the Governor and confirmed by the Senate. The terms of the first members of the commission shall be four, eight and twelve years, respectively, and the terms of their respective successors shall be twelve years. The State Prison Commission shall have exclusive jurisdiction, control and management of all State and county convicts; and of Convict Department, its properties, its revenues and expenditures; and shall have exclusive power and authority to grant and to revoke paroles, to remit fines and forfeitures, to grant short time for good conduct, and to originate, ordain, execute and enforce all necessary rules and regulations for the exercise of the exclusive power and authority herein conferred on such State Prison Commission. Nothing herein shall be construed to limit in any way the authority of the Legislature of Alabama, to enact such laws concerning the granting of paroles, reprieves, and commutations of sentences, and concerning Convict Department, as in its judgment shall be advisable.

This amendment to the Constitution shall become effective upon the first Monday after the second Tuesday in January, nineteen hundred and twenty-seven.

"Yes....." "No....."

The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 3. The votes cast at such election shall be canvassed, tabulated and returns thereof made to the Secretary of State,

and counted in the same manner as in elections for Representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama at the time specified therein. The result of such election shall be made known by proclamation of the Governor.

The above and foregoing bill proposing an amendment to the Constitution was read a second time at length and placed on the calendar for a third reading.

H. 830. A bill to be entitled an Act to submit to the qualified electors of the State of Alabama, at the general election to be held in November, 1924, for their consideration, an amendment to the Constitution of Alabama for the purpose of authorizing the Legislature to form or provide for the formation of districts for the building, improving or maintaining public roads, establishing and maintaining a drainage system, or building and maintaining a sea wall or other protection against waves, storm or flood therein, and provide for the assessment of the whole or part of the cost of such improvement against land in such district to the extent of the increased value of said land by reason of the special benefits derived from such improvement, and to provide for the issuance of bonds by such district with or without an election.

Be it enacted by the Legislature of Alabama:

1. That the following amendment to the Constitution of Alabama is proposed to be submitted to the qualified electors of the State for their ratification or rejection at the general election to be held in November, 1924, at which the amendment shall be proposed, to-wit:

Article The Legislature may form or provide for the formation of districts for the building, improving or maintaining of public roads; establishing and maintaining a drainage system; or building and maintaining a sea wall or other protection against waves, storm or flood, therein, and provide for the assessment of the whole or part of the cost of such improvement against the land in such district to the extent of the increased value of such land by reason of the special benefits derived from such improvement, and may provide for the issuance of bonds by such district with or without an election.

The above and foregoing bill proposing an amendment to the Constitution was read a second time at length and placed on the calendar for a third reading.

BILLS REPORTED ADVERSELY.

Mr. Verner, chairman of the Standing Committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 330. To change and define the boundary line of St. Clair county, Alabama, between said county and the county of Jefferson.

H. 533. To propose an amendment to the Constitution of Alabama, authorizing the levy of taxes to pay the principal and interest of bonds of the State of Alabama and of counties, cities, towns, and other municipal corporations and political subdivisions and taxing districts therein.

H. 730. To authorize clerks of the county courts of the State of Alabama to take affidavits and issue warrants for the institutions of trial or prosecutions begun in said courts.

H. 787. To further regulate bail in criminal or quasi-criminal cases.

H. 812. To promote the public health and to conserve the human resources of the State by prohibiting the gainful employment of manufacturing or mercantile establishments of child bearing women for a brief period immediately before and after child birth.

H. 833. To provide a law enforcement fee in all misdemeanor cases.

H. 847. To require the clerk of the Supreme Court, and the clerk of the Court of Appeals to furnish the circuit judges in all cases and the circuit solicitors in criminal cases of the various circuits of this State, copies of opinions in all cases appealed from their circuits.

H. 802. To provide for the appointment of the clerks of the circuit courts as registers of the circuit courts in all counties now having or which may hereafter have a population of less than thirty-five thousand according to the last Federal census or any succeeding Federal census; to provide for their compensation and to prescribe their powers and duties and to fix their term of office.

Mr. Ashcraft of Lauderdale, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 281. To repeal section 73 of the General Revenue Act of 1919, Acts 1919, page 423.

H. 737. To exempt from the payment of license and taxation on automobiles and other motor vehicles used by rural letter carriers in the State of Alabama for the purpose of carrying mail.

H. 780. To validate all county and district school tax levies heretofore made in Alabama.

H. 835. To provide for the relief of Cora Spencer, and to make an appropriation therefor.

Mr. Culver, chairman of the Standing Committee on Education, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 205. To require the trustees of every State educational institution in the State of Alabama, to make and publish a verified semi-annual report of all receipts and disbursements, which publication to be made in one paper in every county in the State showing what persons are receiving free homes, free lights, and water, free servants, at the expense of the State, free food or groceries, and what salary each president, instructor or other employees of said institutions are receiving; to provide the time when said publications are to be made; to provide payment for said publications; and to provide penalties for the violation of this act.

H. 211. To require all county boards of education in the State of Alabama to make and publish semi-annual statements of all receipts and disbursements; to provide the time when such publications are to be made; and to provide penalties for the violation of this Act.

H. 213. To require the trustees of every State educational institution in the State of Alabama to publish the minutes of their respective meetings in one paper in every county in the State; to provide a mode for the payment of said publications, and to provide penalties for the violation of this Act.

H. 718. To provide for instruction in citizenship and patriotism in public schools.

H. 781. To require all tax collectors in counties where the salaries of county collectors and county tax assessors are fixed by law to pay to the county treasurer of school funds all commissions which are now allowed by law for assessing and collecting school taxes, and to repeal all laws and parts of laws in conflict with this Act.

Mr. Long, chairman of the Standing Committee on Commerce and Common Carriers, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 124. To amend section 5484 of the Code of Alabama.

H. 134. To prohibit the discharge or emptying of oil from any kind of boat, vessel, steamer, or other water craft, directly or indirectly, into or on the waters of any river, lake, bay,

stream, or other like body of water in this State; and to punish any person guilty of such discharge or emptying of oil, or who causes or is in any way concerned in causing such discharge or emptying of oil.

H. 151. To amend section 2069 of the Code of Alabama of 1907.

H. 483. To protect the comfort and health of passengers on railroad trains.

Mr. Luck, chairman of the Standing Committee on Local Legislation, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

H. 635. To require boards of revenue and courts of county commissioners in all counties of the State having a population of two hundred thousand or more according to the last or any subsequent Federal census, to pay over, in addition to any moneys now required to be paid to municipalities, each year to each municipality therein, an amount equal to one-sixth of the ad valorem taxes collected by the county on property located in such municipality, exclusive of school taxes, and exclusive of taxes levied under Subdivision (a) of Section 215 of the Constitution.

Mr. Embry, chairman of the Standing Committee on Public Roads and Highways, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

S. 336. To amend section 2 of an Act approved August 26th, 1909, entitled: "An Act to require courts of county commissioners and boards of revenue in the counties where there is levied a road tax, general or special, or where, by the tax levy a portion of the tax levied for or devoted to the purpose of constructing, repairing or maintaining roads or highways of any description of the county, to pay over each year to each municipality therein, one-half of the money collected on such road tax on the property located in such municipality, and to provide for the disposition of such money."

Mrs. Wilkins, chairman of the Standing Committee on Public Health, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 460. To define hotels and inns in this State; to regulate their operations; to protect such hotels and inns and their guests and to fix respective liabilities.

H. 783. To require county and city boards of education to provide sanitary drinking fountains at all schools under their control.

RE-COMMITTAL OF BILLS.

On motion of Mrs. Wilkins, the bill:

H. 782. To provide further for appropriations to the State Board of Health for the purpose of promoting further the public health of the State and the several counties thereof.

Was re-committed to the Standing Committee on Ways, Means and Appropriations.

On motion of Mr. Verner, the bill:

H. 861. To provide further for extending the corporate limits of municipal corporations without an election by annexing adjacent lands or territory thereto when all of such lands or territory so annexed is owned by the State or county and devoted to educational or school purposes.

Was re-committed to the Standing Committee on Judiciary.

On motion of Mr. Ashcraft of Lauderdale, the bill:

H. 191. To provide a special privilege license on dealers in seines.

Was re-committed to the Standing Committee on Game, Fish and Forestry Preservation.

On motion of Mr. Howze, the bill:

H. 692. To encourage the building or construction of additional industrial plants in this State, by conferring power and authority upon the court of county commissioners, or other court having like jurisdiction, in any county in this State, to exempt from ad valorem county taxation, and upon municipal officers of any city or town of this State, invested with legislative powers in respect to other matters, power and authority, to exempt from ad valorem city taxes, the buildings or constructions of industrial plants, hereafter built or constructed, and also the shares of capital stock held by stockholders in corporations engaging in such building or construction; to the extent in value of such buildings or construction; for a period of five years from the date of the beginning of such construction.

Was re-committed to the Standing Committee on Ways, Means and Appropriations.

On motion of Mr. Verner, the bill:

H. 720. To authorize the Governor of the State of Alabama, for and in the name of and in behalf of the State of Alabama, to rescind any contract of purchase of land at the request of the grantor, and reconvey the land in cases where the land was conveyed to the State with the understanding or agreement that a school or other institution was to be established and or maintained by the State thereon, if the State by and through its proper officers has abandoned the use of the land for the purpose for which it was acquired; provided the purchase price paid for such land and value of permanent improvements erected by the

State on the land, less a credit for any and all money collected by the State as a result of fire or other casualty, or in any way on account of said land or any part thereof, is refunded to the State at the time of re-conveyance.

Was re-committed to the Standing Committee on Judiciary.

NOTICE IN WRITING.

Mr. Bealle gave the following notice in writing:

Mr. Speaker:

I hereby give notice that on the next legislative day I will move that the Committee on Revision of Laws be asked by the House to report House bill 710 at once.

Jno. T. Bealle.

Aug. 31, 1923.

NOTICE GIVEN.

Mr. Embry gave notice that on the next legislative day he would make a motion to take H. 802 from the adverse calendar.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the Senate amendments to the bill:

H. 268. To define, license, regulate and control billiard rooms and to fix penalties for the violation of this Act.

Said conference report being in words and figures as follows, to-wit:

REPORT OF CONFERENCE COMMITTEE.

To the Senate and House of Representatives:

We, your Conference Committee, having under consideration House bill 268, entitled "An Act to define, license, regulate and control billiard rooms and to fix penalties for the violation of this Act, beg leave to report as follows:

We recommend that Senate recede from all of its amendments and that the bill be amended so as to read as follows, to-wit:

A BILL

To be entitled an Act to define, license, regulate and control billiard rooms and to fix penalties for the violation of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. The term billiards, as used in this Act, shall mean any of the several games played on a table surrounded by an elastic ledge of cushions, with balls which are impelled by a cue, and shall include all forms of the game known as carom billiards,

pocket billiards, formerly known as pool, and English gilliards. The term billiard room shall mean any public place where the game of billiards is permitted to be played, and for which a charge is made.

Section 2. Authority is hereby vested in the various probate judges within the State of Alabama to license the operation of billiard rooms within the corporate limits of the cities and towns of their respective counties as hereinafter provided.

Section 3. No license to operate a billiard room shall be issued to any person to operate any billiard room to which the public has access for amusement and recreation, who is not twenty-one (21) years of age, and a citizen of the United States; or who has been convicted of felony. Application for license to operate a billiard room shall be first made to the probate judge of the county in which the applicant proposes to conduct said business, in the form hereinafter provided, and no license shall be issued by any city or town to any person to engage in such business until after such person has made application to and has been granted a license by the probate judge of the county in which ~~such city or town is located.~~

Every application for license shall be accompanied by the affidavit of the applicant sworn to before an officer authorized by law to administer oaths, that the applicant is a citizen of the United States; that he is of good moral character; that he has not been convicted of felony; that he will not permit vagrants, or any person under the influence of intoxicating liquors to frequent or play in his place of business; that the applicant will have sole personal charge and management of said business; that he will not permit public gambling in such place of business, or permit the above described tables to be used in any manner other than as provided by law.

There shall also be filed with such application a bond in the penal sum of \$1,000.00, payable to the State of Alabama, and conditioned upon the faithful performance of all provisions of this Act, signed by the applicant as principal, and either a surety company or two individuals as securities, which said bond must be approved by the probate judge and filed in his office.

When said application and bond have been filed and approved as aforesaid, the probate judge shall issue license for the current year, or unexpired portion thereof, upon the payment of the license fees provided by the general laws of the State of Alabama.

Provided further, that if any licensee hereunder shall voluntarily relinquish personal supervision, management and control of any billiard room, he shall surrender his license to the probate judge who may issue a new license to some other person, firm or corporation to continue said business, under the provisions of this Act, in which event credit shall be given for the unused

portion of said surrendered license but if any licensee shall relinquish management of said business as aforesaid, without surrendering his license for reissue as hereinbefore provided, said license shall be deemed to be forfeited and the probate judge may order the sheriff of the county or the chief law enforcement officer of the State of Alabama to close said place of business.

Section 4. Before any person, firm or corporation shall be authorized to conduct a billiard room in any city or town in the State of Alabama, it shall be necessary, in addition to complying with the foregoing provisions of this Act, to make application to the city clerk of such city or town for a license, and said application shall certify that application has been made to and a license granted to such applicant by the probate judge of the county in which such city or town is located.

Section 5. It is hereby made the duty of the chief law enforcement officer of the State of Alabama to regularly inspect all public billiard rooms in the State for the purpose of ascertaining whether or not the provisions of this Act are being observed, and it is his duty to report all violations promptly to the solicitor of the county in which such rooms are located, and furnish him with such information and assistance as is necessary for the prosecution of violations of this Act.

Section 6. The governing bodies of incorporated towns where billiard rooms are operated may fix a license fee for the operation of such billiard rooms and may make such additional regulations, governing the operation of such billiard rooms, as they may deem proper, provided that no city or town shall have power to license or authorize the doing of any Act or thing prohibited by this Act.

Section 7. It shall be unlawful for any person, firm or corporation to operate a billiard room between the hours of eleven-thirty o'clock P. M. and six o'clock A. M., or harbor or permit any person to be or remain in such billiard room between said hours, except regular employees performing necessary labor within the premises.

Section 8. It shall be unlawful for any person to play billiards, or to be permitted to remain in a billiard room, for any purpose, who has not reached the age of twenty-one (21) years, unless accompanied by a parent or guardian. In the event the keeper of a billiard room is of the opinion any person desiring admission thereto is under the age of twenty-one years, he shall require such person to certify his age in writing, and it is hereby made a misdemeanor, punishable by a fine of not less than \$25.00 or more than \$100.00 for any minor to make false certificate as to his age.

Section 9. No dice, cards, dominoes or other games of chance shall be permitted, or any form of gambling allowed in any bil-

liard room, or in any room in which billiard tables are located, or in any cigar store, or other business located in the same room; provided further, that no game prohibited by law shall be played in such premises, and it is expressly provided that such games as are now known as Kelly pool, Keno, Star pool, scrub, and similar gambling devices are expressly prohibited, and that no racing, or other betting pool shall be exhibited, permitted, or sold in such places of business, and that no intoxicating liquors shall be sold, served or allowed to be used in or on the premises.

Section 10. All billiard rooms shall be kept at all times in a clean, healthful and sanitary condition, and shall comply with all said ordinances now in force, or which shall hereafter be enacted, regulating the same, and subject to all sanitary rules and regulations of the Health Department.

Section 11. No billiard room operating under the provisions of this Act shall allow or permit any screens, curtains, blinds, partitions or other obstructions to be placed between the entrance, of room where billiards are played and back of rear wall of such billiard room. A clear view of the entire interior from the entrance to the rear of such room must be maintained at all times. No partitions forming rooms, stalls or other enclosures where the public congregate, shall be permitted. This provision, however, shall not be construed to prohibit the maintenance of wash rooms, and toilet rooms for proper purposes, or the maintenance of closets for storing purposes exclusively.

Section 12. It shall be unlawful for any billiard room to maintain, or permit to be maintained, any open or secret connections, through doors, windows, or trap-doors, panels, stair-ways, or other devices, with any place where gambling is conducted or where persons congregate for immoral purposes.

Section 13. Every person, firm or corporation who shall keep or permit to be kept or used, any billiard table, or tables, within a city or incorporated town in this State without having applied for a license, as provided for in section 3, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than fifty dollars nor more than one hundred dollars, and each day that said table is operated without a license shall be deemed a separate offense.

Section 14. Every licensed billiard room proprietor shall post up in his room where said tables are operated a placard having section 8 of this Act conspicuously written upon or printed thereon, in letters of not less than one-fourth of an inch in height for the information of his patrons.

Section 15. That the provisions of this Act shall not be construed to include billiard tables or billiard rooms operated by industrial concerns for the exclusive use of its employees, Young Men's Christian Association, religious orders, charitable institu-

tions, State, county or city institutions, fraternal orders, or bona fide clubs organized and chartered prior to January 1st, 1923, using such tables for employees or members only.

Section 16. Every licensed billiard room keeper who shall violate any of the provisions of this law, except as herein provided, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$50.00 nor more than \$250.00 for the first conviction; and upon the second conviction shall forfeit the full amount of the bond to the State and thereafter no license shall be issued to such billiard room keeper.

Section 17. Any licensee under this Act who knows, or is interested in, or knowingly permits any gambling device, mentioned in section 9 of this Act, now prohibited by law in any billiard room, or who knowingly permits any billiard table to be used for gambling, shall be guilty of a misdemeanor and on conviction thereof shall for a first offense be fined not less than \$50.00 nor more than \$500.00 or may be sentenced to hard labor for the county for not more than 12 months, and on a second conviction shall be guilty of a felony, and shall be fined not less than \$100.00 and sentenced to the penitentiary for not less than one and not more than two years.

Section 18. This Act shall not be construed as authorizing the issuance of any license by city officials or probate judges for the operation of any public billiard room in any town or city of this State where the operation of a public billiard room is now or may hereafter be prohibited by city ordinance.

Section 19. If any section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Act which is not in and of itself unconstitutional.

Section 20. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 21. This Act shall take effect October 1st, 1923.

Respectfully submitted,

J. C. Inzer,
H. M. Caffey,
S. B. Slone,

Committee on part of the Senate.

Mark L. Jeter,
Frank Embry,
Vincent F. Kilborn,

Committee on part of the House.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Jeter, the House concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 268, To define, license, regulate and control billiard rooms and to fix penalties for the violation of this Act, said report of the Conference Committee being set out in the above and foregoing message from the Senate.

Yeas, 57; Nays, 3.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Jeter	Smith (Clay)
Adcock	Embry	Jones	Smith (Jefferson)
Allen	Fanning	Kilborn	Smith (Lee)
Ashcraft (Fayette)	Ferrell	Lee	Snodgrass
Ashcraft (Lauderdl.)	Fite	Letson	Sollie
Blackwell	Forman	Long	Stewart (Bibb)
Bowen, Lewis	Gaines	Nichols	Stewart (Calhoun)
Bowen, L. K.	Glover	Odom	Tiller
Burns	Hall	Parker	Tunstall
Burton	Hampton	Patterson	Verner
Byars	Hawkins	Posey	Walker
Christian	Henley	Ringer	Ware
Cook	Hodgson	Rives	Wyatt
Culver	Howze	Sessions	Young
Deloney			

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Nays:

Messrs:

Goodwyn	Grove	Norman
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—3

BILL ON THIRD READING.

H. 816. To amend sections ten, eleven, and eleven and one-half of an Act entitled "An Act in reference to and to further provide for the general revenue of the State of Alabama, approved August 22nd, 1923."

Was taken up. Mr. Tunstall offered the following amendment to the bill, H. 816:

Amend section 11 $\frac{1}{2}$ of H. 816 so as to read as follows:

Section 11 $\frac{1}{2}$. Remittance for the franchise tax required by sections 10 and 11 shall be made to the State Tax Commission, at Montgomery, Alabama, with checks payable to the State Treasurer of Alabama. One-fifth of the franchise tax collected shall be apportioned by the State Tax Commission to the several counties in which the corporation does business, in proportion to the amount of taxable property of such corporation in each of said counties, and the State Auditor shall draw his warrant payable to the county treasurer of each county in such proportion, upon certificate of the State Tax Commission.

And the amendment offered by Mr. Tunstall was adopted.
Yeas, 73; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Howze	Poole
Adams	Fanning	Hubbard	Powell
Adcock	Ferrell	Jeter	Ringer
Arrington	Fite	Jones	Rives
Ashcraft (Fayette)	Forman	Kilborn	St. John
Ashcraft (Lauderdl.)	Gaines	Lee	Sanders (Pike)
Bealle	Glenn	Letson	Sessions
Blackwell	Glover	Long	Smith (Clay)
Bowen, Lewis	Goodwyn	Love	Smith (Jefferson)
Bowen, L. K.	Graves	Luck	Smith (Lee)
Burns	Grove	McDaniel	Snodgrass
Byars	Hatter	McGowen	Sollie
Calloway	Hawkins	Melton	Stewart (Calhoun)
Cato	Henley	Nichols	Tiller
Cook	Hodgson	Odom	Tunstall
Culver	Holcombe	Parker	Walker
Deloney	Hornsby	Patterson	Wall
Dickinson	Howard	Pickens	Young
Dowdle			

—73

And the bill:

H. 816. To amend sections ten, eleven, and eleven and one-half of an Act entitled "An Act in reference to and to further provide for the general revenue of the State of Alabama, approved August 22nd, 1923."

As amended, was read a third time at length and passed.

Yeas, 70; Nays, 3.

Yeas:

Messrs:

Mr. Speaker	Fanning	Kilborn	Ringer
Adams	Ferrell	Lee	Rives
Adcock	Fite	Letson	Sanders (Pike)
Allen	Forman	Long	Sessions
Arrington	Glenn	Love	Smith (Clay)
Ashcraft (Fayette)	Glover	Luck	Smith (Jefferson)
Ashcraft (Lauderdl.)	Goodwyn	McDaniel	Smith (Lee)
Bealle	Graves	McGowen	Snodgrass
Bowen, Lewis	Guy	Melton	Sollie
Bowen, L. K.	Hatter	Nichols	Stewart (Bibb)
Burns	Henley	Norman	Stewart (Calhoun)
Byars	Hodgson	Odom	Tiller
Cato	Holcombe	Parker	Tunstall
Christian	Howard	Patterson	Verner
Cook	Howze	Pickens	Walker
Culver	Hubbard	Poole	Wall
Dickinson	Jeter	Posey	Young
Embry	Jones		

—70

Nays:

Messrs:

Burton	Grove	Ware
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—3

RECONSIDERATION.

Mr. Long moved to reconsider the vote by which the bill, H. 816, was passed and then moved to table the motion to reconsider, and the motion to table the motion to reconsider prevailed.

JOINT SESSION.

The hour of 12 o'clock, noon, having arrived, under a joint resolution heretofore adopted, the House and Senate met in joint session for the purpose of hearing an address by the Governor, said address being as follows:

To the Members of the House of Representatives and Senate:
Gentlemen:

I congratulate you on the adoption of the Revenue Bill which marks a distinct epoch in your legislative deliberations and achievements. It becomes my duty at this stage to remind you that during the remaining days, which are before you, you have a task equally as important and even more difficult to perform, namely, to make a fair and just decision as to how the ~~revenues~~ ^{revenues} to be raised shall be expended in such manner as to preserve the faith and credit of the State, to ~~insure~~ ^{insure} steady and well-timed progress in the development of our resources, and to promote the welfare of ~~our people~~ ^{our people} along all worthy lines of endeavor.

The magnitude of the task ahead of you and the legally constituted Budget Commission will appear when you are confronted by the facts which have been compiled by the Examiner of Public Accounts, as follows:

Total necessary expenditures recommended by the Budget Commission based on existing appropriations with the exception of slight increases in Child Welfare and Health Departments		\$ 9,260,360.95
Estimated receipts for 1923-24		9,153,550.00
Deficit in necessary expenditures		\$ 106,810.95
Contingent appropriations which may become calls on the State treasury, a part of which will certainly be needed, per annum		272,400.00
Total possible annual deficit		\$ 379,210.95
Estimated outstanding indebtedness on Sept. 30, next, as shown in Budget Commission's report, \$2,750,000.		
Average per annum if deficit is paid during this quadrennium		687,500.00
Total deficit if this budget is approved and accrued indebtedness is to be paid, per annum		\$ 1,066,710.95

Attention is also called to the fact that the Budget Commission has assumed that the limit has been reached in assessment deflation and the item of income from general State taxes as estimated by the commission is an increase of 10% over the collections for the current year. If there is to be a continued deflation in assessments or the increase does not come up to the estimated 10% there is a possibility of even a greater deficit than that shown in the above statement.

The above figures, which include data with reference to outstanding indebtedness, seem to make it clear that with the resources in sight you will not be able to do more than to continue without increase the existing appropriations for the maintenance and support of the already established and approved activities in which the State is now engaged. This I know

will be a source of genuine regret to you as it is to me. For in every campaign speech made by me I stated emphatically that there would be "no backward step" in education, and I am sure you who were elected on the same platform with me recognize that standing still means retrogression. All of us share the sincere desire to see every worthy State agency receive adequate support. The present and future welfare of Alabama is bound up in what you do, and the purpose of this message is to assure you of my most genuine sympathy and my most hearty co-operation in the strenuous and far-reaching responsibilities which you are yet to face.

In my message to the Legislature on January 16 I used this language: "No appropriation can be made without partiality until we ascertain definitely what is available. I will approve no appropriation except that for the Institution for the Feeble Minded (and that only for the reason that the building is now idle and unoccupied) until I have ascertained what is available, and have provided for education to the end that no "backward step be taken" in the education of our people."

The above paragraph is strictly in keeping with the party platform, plank five of which is as follows:

"The Democratic party holds unreservedly to the principle and policy of public education. We believe it is to be the duty of the State, and to its highest interest, to provide for the fullest and most practical education possible, of all people.

"We recommend, therefore, to the Legislature to be elected in November and to the incoming administration, that they give the whole problem of public education in the State the most careful and earnest consideration, responding as fully as conditions will permit to all the real needs and legitimate demands of the school system and its several parts, and that, in making appropriations and in otherwise providing for the support of education, they keep in mind the fact that whatever economics and retrenchments must be practiced elsewhere, wise and patriotic statesmanship will not permit the curtailment of the opportunities of the children and youth of the State for the education that makes for individual development, industrial and economic efficiency and good citizenship."

"As rapidly as the condition of the State and local treasuries will permit, we recommend and demand sufficient and adequate appropriations for this purpose as will afford the children of this State at least as good opportunity for educational advantages as the average of the states of the Union. We pledge to the people that no backward step will be taken in the matter of education, but that every possible advancement will be made."

Time and again in my campaign I stated in unequivocal terms that the most important matter with which you will have to deal is education and that "an educated citizenship is the greatest asset of any commonwealth." In thus coming out boldly for education I did not for a moment overlook or undervalue the many other worthy enterprises that deserve your most sympathetic consideration. Our old soldiers, our health department, our charitable and eleemosynary institutions, our Child Welfare Department; in fact, every agency of the State that tends to make our people better, happier and more prosperous, has a just claim upon the State treasury. In every public address I have made before and since I assumed office, I have tried to sound a note of optimism. For confidence in our future depends largely upon our appreciation of our resources and opportunities and a desire to translate these resources and opportunities into a richer reality for our people.

Towering above all other of our matchless resources are our sons and daughters, and yet there are more than forty rural counties in Alabama today that have less than a six months' school term. These forty counties have levied the maximum tax permitted under the Constitution, and the Legislature is their only hope of relief. So long as we are so far below the average of the states of the Union in the opportunity we give to our boys and girls to prepare for citizenship, we are fastening upon them a handicap

that no patriotic citizen will feel is worthy of Alabama. What is true in the case of the elementary schools is likewise true in the case of our high schools, our teacher-training institutions and our colleges. The numbers attending all are increasing and will continue to increase in geometric progression. Even in the last quadrennium the high school enrollment in Alabama has increased from 27,000 to 52,000, or approximately 100%. Precisely similar conditions confront our normal schools and our institutions of higher learning. The State has wisely adopted a policy of raising the standard of its teachers and our normal schools, which are the chief ally of our public schools, are being pressed far beyond the limit of their resources. Without help they will be compelled to limit the numbers admitted to them. This, in effect, will shut the door in the faces of many prospective teachers. Our institutions of higher learning are likewise congested and undernourished. All of them are sadly in need of buildings and equipment. They are entitled to receive your help and must have it.

I have dwelt somewhat at length on the whole problem of public education and our special responsibility to deal with this problem wisely and energetically for the reason that it affects our entire people more closely and more generally than any other activity, and for the reason that a sound solution of this problem affords the only hope of relief that I have been able to discover and am willing to advocate that will enable us to give additional help to various other worthy causes which need help. After the most mature deliberations embracing the experience of a lifetime, reinforced by a sense of the grave and overwhelming responsibilities which I have had to face as Governor of the State, I wish to say to you frankly and in the spirit of absolute conformity to the pronouncements of our party and my own campaign pledges, that an amendment to provide for a millage tax for education should be submitted to our people.

In making this statement, I am not asking you to pass upon the merits of the case nor am I asking you to bind yourselves individually or collectively to support the proposed amendment to the Constitution when it is submitted. What I am asking is that you give the sovereign people of our great State, from whom we both hold our commissions, the opportunity to say whether they will voluntarily assess themselves a definite amount annually for the support of their educational agencies. It is certainly the very essence of democracy to let the people have an opportunity to express themselves about a matter which comes so close home to each and every individual in the State, and since there seems to be no other avenue of relief open that would be consistent with the platform on which we were elected, I feel it my duty to urge you to submit the proposed amendment to the Constitution which Mrs. Wilkins has introduced.

Again let me remind you that, in making this recommendation, I am actuated by the most sincere ambition to promote the best interest of every worthy agency the State has set up for the common weal. The ratification of such an amendment would make it possible to give help to other worthy activities which are calling for help and deserve it but which are obviously doomed to disappointment with the revenues in sight. Many of these I had hoped to help in a measurable way, but I find that the treasury will not permit additional help in the absence of greatly increased revenues. The funds now going to the University, to Auburn, to Montevallo, and to the normal schools would be released for the public schools and for other worthy enterprises, and in that way a well-rounded program beginning with our old soldiers and encompassing every other approved agency would be made possible.

In keeping with the principles which I have endeavored to set out in this message and with the fullest appreciation of the arduous, the exacting, and the intricate duties confronting you, the Budget Commission, in due recognition of the serious responsibility imposed upon it by law, feels that

the common good demands that it shall announce the following plan of procedure and policy:

1. To continue all present appropriations to approved existing State agencies for maintenance and operation.

2. To approve no increase of appropriation for any existing approved State agency or activity, except such as may be conditioned upon the adoption of the millage tax or such as may be necessary to make purely temporary provisions for matching Federal funds.

3. To approve no appropriation for any new activity, except such as may be conditioned upon the adoption of the millage tax.

This policy of the Budget Commission has received my official approval as Governor, and I shall be guided thereby.

Knowing that you share with me in full measure a sense of patriotism and pride in our great commonwealth and that we are actuated by the same ideals of statesmanship and service, I appeal to you, in the few but tedious days that are ahead, to do a big and constructive work for Alabama. I have no hesitancy in saying that if I were allowed to choose the one thing in my administration that I believe will bring the most lasting and constructive good to the State, it would be to see the people of our State given the opportunity to vote upon a millage tax for the education of their sons and daughters. I have had and always shall have an unfaltering faith in the fair-mindedness and fearlessness of the people to do the right thing when properly informed. I do not for a moment doubt that when they understand that the welfare of the State and all its worthy activities will be promoted by the millage tax which I am now preparing and that no other way seems open at this time, they will respond in such measure as they have and always responded in every crisis that has confronted the commonwealth.

Respectfully,
Wm. W. Brandon,
Governor.

August 31, 1923.

The purpose of the joint session having been accomplished, the same was dissolved, and the Senate retired to its chamber.

The Speaker of the House called the House to order.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment, to the bill:

By Mr. Craft:

S. 210. To authorize the county board of education, or other school governing body by whatever name called, in all counties having a population of not less than eighty thousand (80,000) and not more than one hundred and fifty thousand (150,000) according to the last Federal census or any succeeding Federal census, to pay pensions to aged and indigent teachers out of the school fund of said counties.

Said Governor's message containing the proposed amendment, being in the following words and figures, to-wit:

Message to the Senate:

I return herewith to you Senate bill 210 without my approval.

The bill in its present form is susceptible of a construction and enforcement which would be in violation of sections 68 and 98 of the Constitution of this State. If the bill is susceptible to amendment so as not to violate the above sections of the Constitution I would have no objection to the bill.

If the Legislature should see fit to amend the bill by adding at the end thereof the following proviso, it would meet my approval:

Amend the bill by adding at the end thereof the following proviso:

"Provided that this Act shall never be construed or enforced so as to authorize the retirement of any officer on pay or part pay or to make any grant to such retiring officer, or should it ever be construed or enforced so as to authorize any county to grant any extra compensation, fee, or allowance to any public officer, servant or employee after service shall have been rendered, but that all payments made under the provisions of this Act shall be for some service to be performed or for some duties to be discharged after the passage of this Act. The county board of education, however, may assign work or duties in connection with the public schools of the county to such person to whom payments are to be made under this Act and that payments made thereunder shall be made in consideration of such service to be performed in the future in connection with the public schools of the county ~~which pay such compensation.~~"

I feel, however, that I should say that it is possible that the proposed amendment is not consistent with the object and purpose of the bill. As to this, however, I yield to the consideration and wisdom of the Legislature.

Respectfully submitted,

Wm. W. Brandon,
Governor.

August 31, 1923.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill, S. 210, by a vote of a majority of the whole number elected to the Senate; said vote being yeas 26, nays 1.

And said bill as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being yeas 25, nays 1.

And said bill, together with the Governor's message containing the proposed amendment, is herewith sent to the House for its consideration.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Grove the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 210, said amendment as proposed by the Governor being set out in the above and foregoing message from the Senate.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Howard	Posey
Adams	Embry	Howze	Powell
Adcock	Fite	Kilborn	Ringer
Allen	Forman	Lee	Rives
Arrington	Gaines	Letson	Sessions
Ashcraft (Fayette)	Glenn	Long	Sollie
Ashcraft (Lauderd ¹)	Glover	Love	Tiller
Bealle	Goode	Luck	Varner
Blackwell	Graves	Melton	Verner
Boykin	Grove	Moorer	Walker
Burns	Guy	Moxley	Wall
Burton	Hall	Nichols	Walton
Byars	Hatter	Norman	Ware
Cato	Henley	Odom	Williams
Christian	Hodgson	Parker	Wyatt
Cook	Holcombe	Poole	Young
Culver			

—65

Which was a majority of the whole number elected to the House, and said bill:

S. 210. To authorize the county board of education, or other school governing body by whatever name called, in all counties having a population of not less than eighty thousand (80,000) and not more than one hundred and fifty thousand (150,000) according to the last Federal census or any succeeding Federal census, to pay pensions to aged and indigent teachers out of the school fund of said counties.

As amended by the amendment proposed by the Governor, was again read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Gaines	Howze	Parker
Adams	Glenn	Hubbard	Poole
Adcock	Glover	Jeter	Posey
Allen	Goode	Jones	Powell
Arrington	Goodwyn	Kilborn	Ringer
Bealle	Graves	Lee	Rives
Blackwell	Grove	Letson	Tiller
Boykin	Guy	Long	Tunstall
Burns	Hall	Love	Varner
Burton	Hatter	Luck	Verner
Byars	Hawkins	Melton	Walker
Cato	Henley	Moorer	Wall
Cook	Hodgson	Moxley	Walton
Culver	Holcombe	Nichols	Ware
Embry	Hornsby	Norman	Wyatt
Fite	Howard	Odom	Young
Forman			

—65

Which was a majority of the whole number elected to the House.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the Executive Department on the dates and hours named, and that I hold the receipts of the Executive Department for same.

Delivered to the Governor Aug. 31, 1923, at 10:40 A. M.:

H. 99.

Also:

H. 414.

Also:

H. 499.

Also:

H. 614.

Also:

H. 148.

Also:

H. 174.

Also:

H. 547.

Also:

H. 34.

Also:

H. 351.

Also:

H. 355.

Also:

H. 380.

Also:

H. 540.

Also:

H. J. R. 136.

J. H. Stewart,
Clerk.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Hildreth:

S. 387. To amend an Act entitled "An Act to provide for the disposition of money to which minors are entitled, approved August 25th, 1909.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate standing committee as follows:

Revision of Laws, S. 387.

BILLS ON THIRD READING.

H. 731. To make further provision for paying the mileage and per diem of the members and officers and expenses of the Legislature.

Was read a third time at length and passed.

Yeas, 76; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Hubbard	Rives
Adams	Embry	Jeter	St. John
Adcock	Fanning	Jones	Sanders (Pike)
Allen	Ferrell	Kilborn	Smith (Jefferson)
Arrington	Fite	Lee	Smith (Lee)
Ashcraft (Fayette)	Forman	Letson	Snodgrass
Ashcraft (Lauderd'l)	Gaines	Long	Sollie
Bealle	Glover	Love	Stewart (Calhoun)
Bowen, Lewis	Goodwyn	Luck	Thompson (Jackson)
Bowen, L. K.	Graves	McDaniel	Tiller
Burns	Grove	McGowen	Tunstall
Burton	Guy	Moxley	Varnier
Byars	Hall	Nichols	Verner
Calloway	Hatter	Odum	Walker
Christian	Henley	Parker	Wall
Cook	Hodgson	Patterson	Ware
Culver	Hornsby	Pickens	Williams
Deloney	Howard	Poole	Wyatt
Dickinson	Howze	Ringer	Young

—76

On motion of Mr. Ashcraft of Lauderdale the bill, H. 731, was ordered sent forthwith to the Senate without engrossment:

H. 797. To confirm, ratify and validate all warrants of the county of Marengo heretofore issued by the judge of probate, under the authority of the commissioners court of said county, in all cases wherein said county has received the benefit of the goods, wares or merchandise furnished the said county, or the work and labor done for said county, or any service rendered to said county, for any lawful purpose, by any person, firm or corporation, and which said goods, wares or merchandise, or work and labor, or other service, was accepted and used for the benefit of said county, in the lawful business of said county, and to make the said warrants valid, legal and binding upon the said county to the same extent as if all requirements of law had been fully

complied with by the said commissioners court and probate judge prior to the issuance of said warrants.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Hatter	Odom
Adams	Dowdle	Henley	Parker
Adcock	Embry	Howze	Poole
Allen	Fanning	Jeter	Posey
Arrington	Ferrell	Jones	Rives
Ashcraft (Fayette)	Fite	Kilpatrick	Tiller
Ashcraft (Lauder'de)	Forman	Lee	Tunstall
Bealle	Gaines	Letson	Varner
Boykin	Glenn	Long	Verner
Burns	Glover	Love	Walker
Burton	Goode	Luck	Wall
Byars	Graves	McDaniel	Walton
Cato	Grove	Moxley	Ware
Cook	Guy	Nichols	Wyatt
Culver	Hall	Norman	Young

—60

On motion of Mr. McDaniel the bill, H. 797, was ordered sent forthwith to the Senate without engrossment.

H. 798. To confirm, ratify and validate all six per centum interest-bearing warrants which have heretofore been or may hereafter be, issued by authority of the commissioners court of the county of Marengo, for the purpose of refunding the existing lawful indebtedness of said county, under the power conferred by an Act approved September 28th, 1920, or any other provision of law.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glover	Letson	Poole
Adams	Goode	Long	Posey
Adcock	Graves	Love	Powell
Allen	Grove	Luck	Ringer
Arrington	Guy	McDaniel	Rives
Bealle	Hall	McGowen	Tiller
Boykin	Hampton	Melton	Tunstall
Burns	Hatter	Moorer	Varner
Burton	Hawkins	Moxley	Verner
Byars	Henley	Nichols	Walker
Cato	Hornsby	Norman	Wall
Cook	Howard	Odom	Walton
Fite	Hubbard	Parker	Ware
Gaines	Jeter	Patterson	Wyatt
Glenn	Lee	Pickens	Young

—60

On motion of Mr. McDaniel the bill, H. 798, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE.

Mr. Speaker:

Pursuant to the provisions of the resolution:

H. J. R. 135. Relative to inviting the Honorable James J. Davis, Secretary of Labor, to address a joint session of the two houses on the occasion of his visit to Birmingham, and creating a joint committee to convey such invitation to Mr. Davis.

The President and presiding officer of the Senate has appointed as a committee on part of the Senate, Messrs. Inzer and Hutson.

J. E. Speight,
Secretary.

APPOINTMENT OF COMMITTEE.

In accordance with H. J. R. 135, relative to inviting the Hon. James J. Davis, secretary of labor, to address a joint session of the Legislature of Alabama, the Speaker of the House named as a committee on the part of the House:

Messrs. Kilborn, Ashcraft of Lauderdale, and Jones.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House:

By Mr. Duncan:

S. 243. To create a Bureau of Insurance for the State of Alabama, in lieu of the Department of Insurance; defining the duties and powers of such bureau; providing for the necessary officers and employees for such bureau, and fixing their compensation; defining their duties and powers; and vesting such bureau and officers with all the authority now exercised by any other department and any other officers pertaining to the insurance business in this State, thereby relieving such other departments and officers of all duties and responsibilities relating or pertaining to the insurance business in the State of Alabama.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate standing committee as follows:

Banking and Insurance, S. 243.

ADJOURNMENT.

On motion of Mr. Goodwyn, the House adjourned until 2 o'clock P. M., Sept. 4, 1923, in accordance with a joint resolution heretofore adopted.

FORTIETH DAY.

House of Representatives,
Tuesday, Sept. 4th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Dr. Chas. A. Stakeley of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Mr. Speaker	Embry	Jones	Rutherford
Adams	Fanning	Kilborn	St. John
Adcock	Ferrell	Kilpatrick	Sanders (Conecun)
Allen	Fite	Lee	Sanders (Pike)
Arrington	Forman	Letson	Sessions
Ashcraft (Fayette)	Gaines	Long	Smith (Clay)
Ashcraft (Lauder'de)	Glenn	Love	Smith (Jefferson)
Bealle	Glover	Luck	Smith (Lee)
Blackwell	Goode	McDaniel	Snodgrass
Bowen, Lewis	Goodwyn	McGowen	Sollie
Bowen, L. K.	Graves	Melton	Stewart (Bibb)
Boykin	Grove	Mooneyham	Stewart (Calhoun)
Burns	Guy	Moorer	Tiller
Burton	Hall	Moxley	Tunstall
Byars	Hampton	Nichols	Tyson
Calloway	Hatter	Norman	Varnier
Cato	Hawkins	Odom	Verner
Christian	Henley	Parker	Walker
Coleman	Henson	Patterson	Wall
Cook	Hodgson	Pickens	Walton
Culver	Holcombe	Poole	Ware
Deloney	Hornsby	Posey	Mrs. Wilkins
Dickinson	Howard	Powell	Williams
Dowdle	Howze	Ringer	Wyatt
Dunwoody	Hubbard	Rives	Young
Elliott	Jeter	Rountree	

A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said committee has carefully examined the Journal of the House for the Thirty-ninth Legislative Day, and finds same correct.

O. W. Melton,
Chairman.

The report of the committee was concurred in and adopted and the Journal for the Thirty-ninth Legislative Day was approved.

LEAVE OF ABSENCE.

Was granted to Mr. LeMaistre for today.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 210. To authorize the county board of education, or other school governing body by whatever name called, in all counties having a population of not less than eighty thousand (80,000) and not more than one hundred and fifty thousand (150,000) according to the last Federal census or any succeeding Federal census, to pay pensions to aged and indigent teachers out of the school fund of said counties.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate joint resolution, and sends same herewith to the House:
By Mr. Hutson:

S. J. R. 132. Resolved by the Senate, the House concurring, That when the hour of 2:30 arrives, the two houses shall convene in joint session for the purpose of hearing an address by the

Hon. James J. Davis, Secretary of Labor, in pursuance to invitation heretofore extended to him by resolution duly adopted.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Fite the House concurred in and adopted S. J. R. 132, which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 574. To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than one hundred and fifty thousand, according to the last or any subsequent Federal census, special funds to be known as "Policemen's and Firemen's Pension and Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to member of the Police and Fire Departments in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall hear and decide applications for pensions and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the Police and Fire departments in said cities during their disability, and for the retirement of such members on pension, either by reason of term of office or disability; to provide for the pensioning of members of such Police and Fire Departments after service therein; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the County in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a Board of Pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

By a vote of a majority of the whole number elected to the Senate; said vote being yeas 22, nays 2.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate, said vote on the passage of said bill as amended being yeas 27, nays 0.

And said bill, together with the Governor's message containing the amendment, is herewith returned to the House.

J. E. Speight,
Secretary.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Hodgson:

H. R. 164. Resolved, That House bill 667, to make appropriations to the State Normal School for white teachers at Daphne, Alabama, with substitute, be made special, paramount and continuing order for 42d legislative day immediately after reports of standing committees.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Tunstall:

H. J. R. 165. Resolved by the House, the Senate concurring, That when the two houses adjourn today they stand adjourned until Thursday, Sept. 6th, 1923, at ten o'clock A. M.

And the rules were suspended and the resolution was adopted.

By Mr. Tunstall:

H. R. 166. Resolved, That the following bills be made special orders for the 41st legislative day:

H. 856. To establish and regulate liens in favor of jewelers, watchmakers and silversmiths who shall alter, repair or do any work on any article or personal property, and to regulate the procedure for enforcement thereof.

H. 857. To regulate the sale at public auction of gold, silver, plated ware, precious stones, watches, clocks, jewelry, books, bric-a-brac, rugs, clothing, china, crockery, glassware and leather goods, and to provide penalties for the violation thereof.

And the rules were suspended and the resolution was adopted.

By Rules Committee:

H. R. 167. Resolved, That the following bill be made a special order for the 41st legislative day, to-wit: H. 669. To amend an Act approved November 30, 1907, and entitled "An Act to provide for the protection of the forests of Alabama; to establish and create a State Commission of Forestry to consist of the Governor, a member of the State Tax Commission, the State Game and Fish Commissioner, the Commissioner of Agriculture and Industries, a member of the United States Forest Service, the

professor of forestry in the Alabama Polytechnic Institute and one practical lumberman, to declare the county game and fish wardens, forest wardens; to declare constables, justices of the peace, sheriffs and deputy sheriffs, ex-officio deputy forest wardens; and to provide for the appointment of deputy forest wardens by the Governor; to exempt from taxation for a period of ten years land which shall be planted in trees; to appropriate the sum of five hundred dollars annually for the purpose of carrying out the provisions of this Act; to create a forest reserve fund, and to provide for the payment of all fines, forfeitures and penalties arising under the provisions of this Act into said fund.

And the rules were suspended and the resolution was adopted.
By Mr. Williams:

H. R. 168. Resolved, That House bill 456, To regulate primary elections in the State of Alabama, be made a special and continuing order of business immediately after the disposition of the matters of special order now on the calendar.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Williams:

H. R. 169. Resolved, That House bill 455, amending section 374 of the Code of 1907, relating to party columns on general election ballots, be made a special and continuing order next after the disposition of the special orders now on the calendar.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Poole:

H. R. 170. Resolved, That House bill 379, "To designate a certain road of Alabama as a State trunk road be made a special order for the 41st legislative day.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Burns:

H. R. 171. Resolved, That House bill 570, entitled an Act to provide a general system of legislation pertaining to agriculture and industries, and related subjects, etc., be made a special, paramount and continuing order for the forty-second (42nd) legislative day beginning after the report of committees and the call of counties on the said forty-second legislative day, and that the same take precedence over all other special orders for said day.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Odom:

H. R. 172. Whereas, Representative James Parker, of Coosa county, is the oldest member of the Alabama House of Representatives, and

Whereas, the lady clerks, stenographers, of the two houses and lady attaches of the State Capitol, have arranged a social party, including dancing, to be tendered in his honor at the home of Mrs. Marie Bankhead Owen, tonight, and

Whereas, the House of Representatives has adopted a resolution to convene for a night session at eight o'clock tonight, now, therefore,

Be it resolved by the House of Representatives of Alabama:

First, that the members of the House extend their congratulations to its eldest member and that the House wishes him a most enjoyable time;

Second, that in consideration of the local bills to be taken up at the night session, the House will not vote to disapprove any local bill introduced by the distinguished representative.

And the rules were suspended and the resolution was adopted. By Mr. Goodwyn:

H. J. R. 173. Whereas, several hundred officers of the United States Navy, from the South, resigned from the service in 1861 to cast their fortunes with their native states, the resignations of the following one hundred and thirty-six were not accepted:

Captains: French Forrest, Franklin Buchanan, Samuel Barron, George N. Hollins.

Commanders: William T. Muse, Robert G. Robb, Archibald B. Fairfax, Richard L. Page, Arthur Sinclair, John R. Tucker, William McBlair, Thomas R. Rootes, Chas. E. McIntosh, Sidney Smith Lee, Thomas L. Page, Thomas T. Hunter, Matthew F. Maury, John K. Mitchell, Chas. H. A. Kennedy.

Lieutenants: John Taylor Wood, Chas. M. Fauntleroy, George T. Sinclair, Robert B. Regram, Washington Twathmey, James H. Rochelle, William Sharp, Chas. F. M. Spottswood, Carter B. Poindexter, John S. Maury, John V. Bennett, Harry H. Lewis, John Wilkinson, Williams H. Parker, William L. Powell, John M. Brooks, Peter U. Murphey, Williams H. Meudaugh, Edward L. Winder, Charles C. Simms, Robert D. Minor, Oscar F. Johnston, Hunter Davidson, Isaac N. Brown, Silas Bent, J. Pembroke Jones, Joseph N. Barney, David P. McCorkle, Charles W. Hays, Alphonse Barbot, Van R. Morgan, Hamilton H. Dalton, George S. Shryock, Joseph W. Alexander, Francis E. Sheppard, John J. Guthrie, William H. Ward, Thomas K. Porter, Wm. P. A. Campbell, Henry K. Stevens, B. P. Lovall, Walter R. Butt, Julian Myers, Alex M. DeBree, Dulaney A. Forrest, William T. Glassell, Nicholas H. VanZandt, John H. Parker, James Ireddell Waddell.

Surgeons: Lewis W. Minor, Wm. S. Sinclair, Randolph F. Mason, James F. Harrison, William H. Page, Daniel S. Green, Richard W. Jeffrey.

Passed Assistant Surgeons: Charles W. Williams, H. W. M. Washington, J. W. B. Greenhow.

Assistant Surgeon: Joseph Grafton, Fred Van Bibber, Alger-non S. Garnett, Bennett W. Green, John W. Sanford, Robert J. Freeman, Marcellus P. Christian, James E. Lindsey, James W. Herty, O. S. Iglehart.

Paymasters: George W. Clark, John DeBree, John Johnson, Richard T. Allison, James E. Harwood, Felix Senac, Thomas E. Ware, James A. Semple.

Midshipmen: Edward G. Read, Thomas L. Dornin, James L. Hoole, Francis L. Hodge, Samuel W. Averett, James L. Taylor, George A. Borchert, Thomas L. Harrison, Henry D. Claiborne, Hilary Cenas, Arthur D. Wharton.

Chief Engineers: Michael Quinn, Wm. P. Williamson, Thomas A. Jackson, James H. Warner.

1st Asst. Engineers: Edward W. Manning, Henry A. Ramsey, Virginius Freeman, George W. City.

2nd Asst. Engineers: John W. Tynan, Marshall P. Jordan.

3rd Asst. Engineers: Henry X. Wright, John T. Tucker, Chas. W. Jordan, Edward L. Dick, Benjamin Herring, Henry Fagan.

Boatswain: Chas. H. Hasker.

Gunners: Chas. B. Oliver, John W. Lovett.

Marine Corps: Major Henry B. Tyler.

Brevet Major: G. H. Terrett.

Captains: John C. Rich, Algernon S. Taylor, Robert Tansill, John D. Simms.

1st Lieutenants: Israel Green, Julius E. Meiere, J. R. F. Tatnall, Thomas S. Wilson.

And, whereas, the records of the Navy Department of the United States Navy at Washington record them as "dismissed" while the others are recorded as "resigned," and

Whereas, the heroism of these men during the war between the states is an American heritage and may be the pride of every American citizen, and

Whereas, the sons and grandsons of these "dismissed sailors" fought the battles of our country in the Spanish-American and the late World War, and are denied the privilege of joining patriotic organizations because of the stigma hanging over the memory of their brave ancestors, and

Whereas, Admiral A. O. Wright, Commander of the Confederate Naval Veterans has now pending a bill in the National Congress to remove this stigma;

Now therefore be it resolved by the House, the Senate concurring, That the Representatives of the State of Alabama in the National Congress be requested to take the necessary steps at once to have the Navy Department at Washington accept these resignations, and thus remove the stigma of "Dismissal" which has hung over them for this long period of years.

And the resolution was referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate standing committees as follows: By Mr. Dickinson (with notice and proof):

H. 892. To establish an inferior court to be known as the inferior court of Autauga county, Alabama, in lieu of all justices of the peace and notary publics ex-officio justices of the peace in Prattville precinct, or precinct No. 1, of Autauga county, Alabama; to define the jurisdiction and powers of said court and the judges and other officers thereof; to provide a place for holding said court, for the terms, salaries and compensation for the judge and other officers of said court, and the manner of their appointment or election and the payment of their salaries; and to define the jurisdiction and powers of said court and the judge thereof.

Local Legislation.

Notice and proof, H. 892:

NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama to create an inferior court of Autauga county, Alabama, with both civil and criminal jurisdiction, to provide the manner of appointment of the officers thereof, to fix their term of office, and the manner of the selection of their successors, to provide for the fees and compensation of the several officers thereof, define the jurisdiction of said court, and to require the clerk of said court to make quarterly reports to the board of revenue of Autauga county, Alabama, and to turn over to the county custodian all monies collected by said clerk and to report same to the board of revenue.

State of Alabama, }
Autauga County. }

Before me, Chas. Booth, a Notary Public in and for said county and State, personally appeared H. S. Doster, who being by me first duly sworn, deposes and says as follows: That he is the editor of The Prattville Progress, a newspaper published at Prattville, in said State and county, and that the hereto attached notice appeared for four consecutive weeks in the said The Prattville Progress.

H. S. Doster.

Sworn to and subscribed before me this the 1st day of Sept., 1923.

Chas. Booth,
Notary Public.

By Mr. Dickinson (with notice and proof):

H. 893. To abolish the office of justices of the peace and notary publics ex-officio justices of the peace in precinct one, Autauga county, Alabama.

Local Legislation.

Notice and proof, H. 893:

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama, the purpose and intent being to abolish the office of justice of the peace and notary public ex-officio justice of the peace of precinct 1, Autauga county, Alabama, and to provide in lieu thereof an inferior court, to have both civil and criminal jurisdiction, throughout the county.

State of Alabama, }
Autauga County. }

Before me, Chas. Booth, a Notary Public in and for said county and State, personally appeared H. S. Doster, who being by me first duly sworn, deposes and says as follows: That he is the editor of The Prattville Progress, a newspaper published at Prattville, in said State and county, and that the hereto attached notice appeared for four consecutive weeks in the said The Prattville Progress.

H. S. Doster.

Sworn to and subscribed before me this the 1st day of Sept., 1923.

Chas. Booth,
Notary Public.

By Mr. Dickinson (with notice and proof):

H. 894. To require the several county officials of Autauga county, Alabama, to secure the approval of the board of revenue, **before making** any purchases for the stationery or supplies for their respective offices.

Local Legislation.

Notice and proof, H. 894:

NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama requiring the several county officials of Autauga county, Alabama, to secure the approval of the board of revenue of said county before giving any orders for the supplies of their respective offices, and to provide a penalty for the violation of said Act.

State of Alabama, }
Autauga County. }

Before me, Chas. Booth, a Notary Public in and for said county and State, personally appeared H. S. Doster, who being by me first duly sworn, deposes and says as follows: That he is the editor of The Prattville Progress, a newspaper published at Prattville, in said State and county, and that the hereto attached notice appeared for four consecutive weeks in the said The Prattville Progress.

H. S. Doster.

Sworn to and subscribed before me this the 1st day of Sept., 1923.

Chas. Booth,
Notary Public.

By Mr. Long:

H. 895. To amend section 49 of an Act entitled "An Act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operations of public utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants;

franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders, and penalties for failure to comply with the orders of the commission or with the provisions of this Act," approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

Commerce and Common Carriers.

By Mr. Jones (by request):

H. 896. To further provide for the employment of a chief clerk in the office of State Auditor and to prescribe his duties and to provide his compensation.

Ways, Means and Appropriations.

By Mr. Sessions:

H. 897. To provide for the election by the qualified voters of tax assessors and tax collectors in the State of Alabama and to fix and prescribe their terms of office.

Judiciary.

By Mr. Smith of Jefferson:

H. 898. To authorize and empower the directors of the Alabama Boys Industrial School to sell and convey land belonging to said school.

Revision of Laws.

By Mr. Smith of Jefferson (with notice and proof):

H. 899. To change the boundary line between Jefferson county and Blount county.

County and County Boundaries.

Notice and proof, H. 899:

NOTICE.

There will be a bill introduced in the present session of the Legislature of Alabama to change the boundary line between the counties of Jefferson and Blount, which will be in substance as follows: Section 1. That the boundary line between Jefferson county and Blount county be changed as follows: "Beginning at the center of the south line of section thirty-five, township fourteen, range one west on the present boundary line dividing Jefferson and Blount counties, thence run north along the center line of section thirty-five to center of north line of same. Thence run west along north line of section thirty-five to the northwest corner of same; thence continue along north line of section thirty-four to the northwest corner of same; thence continue west along the north line of section thirty-three five thousand one hundred and eight tenths feet to where said north line intersects the present boundary line between Jefferson county and Blount county.

J. D. ARNOLD.

The State of Alabama, }
Blount County. }

Personally appeared before the undersigned authority, F. G. Stephens, who, being duly sworn, deposes and says that he is the publisher of the Southern Democrat, a newspaper published in Oneonta, Ala., and that the attached notice proposing a change in the boundary line between Blount and Jefferson counties was published for four consecutive weeks in said newspa-

per, commencing on the 9th day of August, 1923, and ending on the 30th day of August, 1923.

F. G. Stephens,
Publisher.

Sworn to and subscribed before me this 30th day of Aug., 1923.

J. R. Copeland,
Clerk of Circuit Court.

NOTICE.

There will be a bill introduced in the present session of the Legislature of Alabama to change the boundary line between the counties of Jefferson and Blount, which will be in substance as follows: "Section 1. That the boundary line between Jefferson county and Blount county be changed as follows: Beginning at the center of the south line of section 35, township 14, range 1 west, on the present boundary line dividing Jefferson and Blount counties, thence run north along the center line of section 35 to center of north line of same, thence run west along north line of section 35 to the northwest corner of same, thence continue west along north line of section 34 to the northwest corner of same, thence continue west along the north line of section 33 5,100.8 feet to where said north line intersects the present boundary line between Jefferson county and Blount county."

J. D. ARNOLD.

The State of Alabama, }
Jefferson County.

Personally appeared before the undersigned authority, Ida M. Turner, who, being duly sworn, deposes and says that she is the acting editor of the Alabama Baptist, a newspaper published in Birmingham, Alabama, and that the attached notice proposing a change in the boundary line between Blount and Jefferson counties was published for four consecutive weeks in said newspaper, commencing the 26th day of July 1923, and ending on the 16th day of August 1923.

Ida M. Turner,
Acting Editor.

Sworn and subscribed before me this September 1st, 1923.

(Seal)

H. O. Neville,
Notary Public.

By Mr. Jeter:

H. 900. To prohibit the operation of public dance halls in the State of Alabama and to provide penalties for the violation of this Act.

Temperance.

By Mr. Rives:

H. 901. To create the office of an additional judge of the circuit court in all counties now or hereafter having a city with a population of more than one hundred thousand, according to the last or any subsequent Federal census, to provide for the powers, jurisdiction, authority and duties, salary and manner of payment of salary of such additional judge.

Judiciary.

By Mr. Odom (with notice and proof):

H. 902. To amend section 1, of an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the town of Sulligent in the county of Lamar, State of Alabama, approved Feb.

12th, 1897,' approved March 4th, 1907," so as to fix, define and enlarge the boundaries of the said town of Sulligent.

Local Legislation.

Notice and proof, H. 902:

NOTICE.

Notice is hereby given that a bill will be introduced in the present or approaching term of the Legislature of Alabama to fix, define and enlarge the boundary of the town of Sulligent, Alabama, which bill will be in words and figures as follows:

AN ACT

To amend Sec. 1 of an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the town of Sulligent in the county of Lamar, State of Alabama, approved Feb. 12th, 1897,' approved March 4th, 1907," so as to fix, define and enlarge the boundaries of the said town of Sulligent.

Section 1. Be it enacted by the Legislature of Alabama, That section one of an Act entitled "An Act to amend Sec. 1 of an Act entitled 'An Act to incorporate the town of Sulligent, in the county of Lamar, State of Alabama, approved Feb. 12th, 1897,' approved March 4th, 1907," be amended by amending Sec. 1 of said Act, so as to read as follows:

Sec. 1. Be it enacted by the General Assembly of Alabama, That the town of Sulligent, in Lamar county, State of Alabama, be and the same is hereby incorporated under and by the name of the town of Sulligent, and its corporate limits shall extend, and be as follows, to-wit:

"Beginning at the center of section twenty-nine (29), township thirteen (13), range fifteen (15) west, in Lamar county, Alabama, thence run north thirty-three (33) degrees west one-fourth ($\frac{1}{4}$) of a mile, thence east fifty-seven (57) degrees north three-fourths ($\frac{3}{4}$) of a mile, thence south thirty-three (33) degrees east one and one-twentieth ($1 \frac{1}{20}$) miles, thence west fifty-seven (57) degrees south one and one-half ($1 \frac{1}{2}$) miles, thence north thirty-three (33) degrees west one and one-twentieth ($1 \frac{1}{20}$) miles, thence east fifty-seven (57) degrees north three-fourths ($\frac{3}{4}$) of a mile."

(Signed) J. L. White.

State of Alabama, }
Lamar County. }

Before me, J. T. Maddox, Judge of Probate in and for said county, personally appeared Flavius McDougal, editor and publisher of the Lamar Democrat, a newspaper published in Lamar county, Alabama, who after being duly sworn, deposes and says that the attached notice was published four consecutive weeks in the Lamar Democrat, viz.: August 8th, August 15th, August 22nd, and August 29th, inclusive.

Flavius McDougal.

Subscribed and sworn to before me this 29th day of August, 1923.

J. T. Maddox,
Judge of Probate.

By Mr. Byars (with notice and proof):

H. 903. To provide for the better construction, repairing, working and maintaining of the public roads and bridges in Lawrence county, Alabama, and to regulate and control the expenditures of the revenue obtained under the operations of an Act approved February 10, 1923, "imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State; providing for the col-

lection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act," or any additional revenue from changes or amendments to said Act during the session or sessions of the present Legislature; to provide that no part of said revenue shall be used for the payment of any debt or debts contracted or made prior to the passage of this Act; to provide for the crushing of stone and the expense thereof and the hire of a road foreman; to provide that beginning with January 1, 1924, not less than one-eighth of all moneys obtained under this Act, changes of or amendments thereto, during any four-year period, shall be used in each commissioner's district; that five per cent of the revenue so obtained for the four-year period beginning January 1, 1924, shall be used in the purchase of ordinary road tools which tools shall be under the control of a bonded officer; to provide for the working of all persons subject to road duty in said county and the collection and disbursement of any moneys in lieu thereof; to provide that overseers keep a record ~~and make reports~~ to the probate judge, that overseers may be fined for misuse of tools or ~~embezzlement~~ of money; that owners of large trucks or other vehicles shall be liable if responsible for damage to bridges; that the board of revenue shall be prohibited from classifying and taxing wagons or other vehicles owned by the producer and used exclusively or partly in the production or handling of farm products; that all funds of the county accruing from the automobile license tax shall be used on the public roads and bridges; to provide for working convicts on roads of said county, to provide punishment for persons refusing or failing to work roads after legal warning, to provide that the board of revenue may impose a tax for road purposes on trucks, telegraph, telephone and express companies, sewing machine agents, lightning rod agents and circuses or traveling shows and to provide for the necessary blanks, books and stationery for the purposes of this Act.

Local Legislation.

Notice and proof, H. 903:

NOTICE.

Notice is hereby given that during the present session of the Legislature I will introduce a road bill for Lawrence county in substance as follows:

To provide that no part of the revenue derived from an excise tax Act approved Feb. 10, 1923, any change of or amendments thereto; shall be used for the payment of any debt or debts contracted prior to the passage of this Act. That 50 per cent of the revenue so obtained shall be used in crushing stone which shall be offered to the various communities of the county who shall to procure an apportionment of such stone, raise sufficient funds to meet all costs except that of crushed stone and hire of a foreman in the building or repairing of any proposed road project. That beginning with Jan. 1, 1924, not less than one-eighth of all moneys obtained under said Act,

change or amendment thereto, during any four-year period shall be used in each commissioner's district. That 5 per cent of the revenue so obtained for the four-year period beginning Jan. 1, 1924, shall be used in the purchase of ordinary road tools, which tools shall be under the control of a bonded officer. That persons subject to road duty shall work eight days or pay eight dollars. That overseers shall make such reports as may be required by probate judge and may be fined not exceeding two hundred and fifty dollars for the misuse of tools or embezzlement of money. That owners of large trucks or other vehicles shall be liable, if responsible, for damage to bridges. That the board of revenue shall be prohibited from classifying and taxing, other than an ad valorem tax, wagons or other vehicles owned by producers and used exclusively or partly in the production or handling of farm products. That all county automobile license tax shall be used on the public roads and bridges. That the county convicts may under the direction of the board of revenue, be worked in said county. That any person subject to road duty failing or refusing to work after legal warning is liable to a penalty not exceeding ten dollars or imprisonment in the county jail or put to hard labor not exceeding sixty days for each such offense. That the board of revenue may impose a county license tax on trucks as follows: On trucks from one to three tons not exceeding \$25.00, three to five tons not exceeding \$50.00; five to seven tons not exceeding \$100.00; above seven tons not exceeding \$500.00; on each telephone, telegraph and express company five dollars per annum for each office in the county. On each sewing machine agent or lightning rod agent, \$10.00; on each circus or traveling show not exceeding \$50.00. That the board of revenue shall provide out of general fund all blanks or books for the purpose of this Act.

J. D. L. Byars.

State of Alabama, }
Lawrence County. }

Before me, Thos. B. Ashford, a Justice of the Peace in and for said county and State, personally appeared Clarence C. Horton, who, being sworn according to law deposes and says that he is the publisher of the Lawrence County Times, a weekly newspaper published in Courtland, Lawrence county, Ala., and further deposes and says that the notice, a copy of which is attached to this affidavit, was published in said newspaper for four consecutive weeks, prior to the making of this affidavit.

Clarence C. Horton.

Sworn to and subscribed before me, this the 30th day of Aug., 1923.

Thos. B. Ashford,
Justice of the Peace.

By Mr. McDaniel (with notice and proof):

H. 904. To establish a board of revenue for Marengo county, and for the abolishment of the court of county commissioners of said county.

Judiciary.

Notice and proof, H. 904:

NOTICE.

To Whom It May Concern:

Notice is hereby given that at the present session of the Legislature of Alabama a bill will be introduced, the substance of which is as follows:

A BILL

To be entitled An Act to establish a board of revenue for Marengo county, and for the abolishment of the court of county commissioners of said county.

Section 1. Be it enacted by the Legislature of Alabama, That there is hereby established a board of revenue for Marengo county consisting of four persons and the president, to be called the board of revenue of Marengo county.

Section 2. That within ten days after the approval of this Act, the Governor shall appoint the members of said board of revenue, and the persons so appointed shall hold office until the first Monday after the second Tuesday in January, 1925, and until their successors are elected and qualified, as hereinafter provided. The president shall be appointed from the county at large and one member shall be appointed from each of the districts as hereinafter provided for. At the general election in 1924, and every four years thereafter, the president of said board of revenue shall be elected by the qualified voters of said county, and one member of the board of revenue shall be elected by the qualified voters of each of the four districts of the county as herein provided, and they shall hold office for the term of four years from the first Monday after the second Tuesday in January next after their election, and until their successors are elected and qualified. The four board of revenue districts shall be constituted and shall be composed of the election precincts of said county as now constituted or as the same may hereafter be changed as required by law. The districts shall be called, respectively, the Northeastern District, the Southeastern District, the Southwestern District, the Northwestern District. The Northwestern District shall be composed of the following election precincts as now constituted or as the same may be hereafter changed in boundaries according to law: Faunsdale, Macon, Dayton, Thomaston and McKinley; the Southeastern District shall be composed of the following election precincts as now constituted or as the same may be hereafter changed in boundaries according to law: Magnolia, Pineville, Dixon's Mills and Shiloh; the Southwestern District shall be composed of the following election precincts as now constituted or as the same may be changed in boundaries according to law: Myrtlewood, Hills, Nanafalia, Horse Creek, Hoboken and Sweetwater; the Northwestern District shall be composed of the following election precincts as now constituted, or as the boundaries thereof may be hereafter changed according to law: Demopolis, Jefferson, Spring Hill, Jackson's Store and Linden. The members of the board of revenue shall be, at the time of their appointment or election, and during their continuance in office, qualified electors of Marengo county, and, in addition, the members of the board of revenue from each district shall reside in and be a citizen of the district for which he is appointed or elected, both at the time of his appointment or election and during his continuance in office. The president of the board of revenue shall be elected by the qualified voters of the entire county, and the member of the board of revenue from each district shall be elected by the qualified voters of such district.

Section 3. That said board of revenue shall have the power and authority to direct and control the property of Marengo county as it may deem expedient, according to law, and to levy a tax for general purposes and special taxes for particular county purposes, according to the laws of Alabama; to examine, settle and allow accounts and claims chargeable against the county; to audit and settle the accounts of all officers having the care, management, collection or disbursement of money belonging to the county, or appropriated to its use and benefit, and may have the books of said officers audited or examined by accountants, when it deems same necessary; to have the exclusive control of the convict labor of the county, and the disbursement of the proceeds of same; to regulate and control the purchase of stationery, supplies, office furniture, fixtures, typewriters, records and books for county purposes; to provide for the purchase and payment out of the county funds of the necessary stationery, office furniture, fixtures, typewriters, books, records, supplies and postage for the use of said board of revenue in the conduct of its official business; to employ janitors and other

help to care for, look after and protect the court house and the various offices therein as well as the court house square; to provide heat, lights and water for the use of the court house and jail and to keep the same clean, comfortable and in a sanitary condition; to have telephones installed in the court house for county business, and to pay for the necessary telephone and telegraph messages about county business; and the sole right and authority to bind the county on any contract for the payment of money, and the sole right and authority to pay any debt due by the county on any existing lawful contract.

Section 4. That said board of revenue shall have all jurisdiction and powers which are now or may hereafter be by law vested in the courts of county commissioners of this State and by any special law vested in the court of county commissioners of Marengo county, and the several members of the said board of revenue shall perform all the duties and services, and exercise all the powers, which are, or may be required by law of the several members of the court of county commissioners.

Section 5. That all general laws hereafter enacted in relation to the jurisdiction, powers, authority or duties of the county commissioners shall apply to and govern the board of revenue of Marengo county.

Section 6. That the president of said board of revenue shall be its presiding officer, and shall sign the minutes of the proceedings of the board of revenue, and shall be a member thereof and shall have the same rights, privileges, powers and authority, and perform the same duties as other members thereof, and shall sign all warrants drawn on the county treasurer, and all orders for the payment or disbursement of money or funds of the county, and shall sign all contracts entered into by the board of revenue of Marengo county. It shall be his duty to prepare the order of business and obtain information for the sessions of the board of revenue and to see that all orders thereof are properly executed. He shall in addition perform all the duties now required of the probate judge as to matters coming before the court of county commissioners.

Section 7. That said board of revenue shall elect a clerk and fix his compensation, and employ such other clerical assistance as may be necessary, and it shall be the duty of the clerk of the board of revenue to attend the meetings thereof and issue all notices required by it. The clerk shall, under the direction of said board of revenue, keep the minutes and records of the proceedings thereof, in well bound volumes provided for that purpose, said records to be kept in the office of the board of revenue, and to be open at all reasonable hours to the inspection of the citizens of the county and other interested persons; and the clerk shall perform such other duties and matters as may be required of him by said board of revenue. The compensation of said clerk and of all other clerical assistants shall be fixed by said board of revenue and their terms of office shall be at the pleasure of said board of revenue.

Section 8. That said board of revenue shall hold sessions on the first Monday of each month of every year, and may continue in session as long as it deems necessary to conduct the business of the county, and may hold special sessions at any time upon the call of the president or three members of the board of revenue, entered in writing on the minutes of said board of revenue. The sessions of said board of revenue shall be held at the court house of said county.

Section 9. That the board of revenue shall keep a correct register of all claims presented against the county showing the name of the claimant, the nature and amount of the claim, and the action of the board of revenue thereon; and keep a full carbon copy of every warrant or order for the payment of money out of the county treasury, and these records, together with the minutes of the proceedings and all papers of the board of revenue, shall be public records open to the inspections of the citizens of Marengo county or other interested persons, at reasonable hours, when the same are not being used by the board of revenue, or under its direction.

Section 10. That it shall be the duty of the clerk and of the register of every court of record in Marengo county to render to said board of revenue an itemized list, in writing, under oath, of all fines assessed and all forfeitures made final in their respective court, for the use or benefit of Marengo county, within ten days after the assessment of said fine or making final of such forfeitures.

Section 11. That the members of said board of revenue shall each be entitled to five dollars per day for each day of actual service rendered; five cents per mile for traveling to and from the sittings of said board of revenue, and to and from the place where any service is rendered by them, to be paid out of the county treasury on certificates or warrants signed by the president of the board of revenue; provided, that no member of the board of revenue shall, during any year, receive more than four hundred dollars from the county treasury for any and all services rendered by him either as a member of the board or for any work or labor done for, or services rendered to county.

Section 12. That the court of county commissioners of Marengo county, as the same now exists, shall be and is hereby abolished, and that the probate judge of said county be and is hereby relieved of his duties to the court of county commissioners of said county, which duties shall hereafter be performed by the president of the board of revenue.

Section 13. That, before entering upon the discharge of their duties, each member of said board of revenue shall take the same oaths that are now required by law to be taken by the members of the court of county commissioners of Marengo county.

Section 14. That before entering upon the discharge of their duties each member of said board of revenue shall give a good and sufficient bond with good and sufficient surety, payable to the county of Marengo in the penal sum of \$5,000.00 each, to be filed with and approved by the judge of probate of said county, with condition faithfully to discharge the duties of such office during the time he continues therein or discharge any of the duties thereof—all premiums on said bonds to be paid out of the county treasury, on certificates or warrants signed by the president of the board of revenue.

Section 15. That, in addition to the duties required of them by this Act or the laws of this State, the members of said board of revenue shall, at least once during each year, go over, examine and inspect all of the public roads and bridges of Marengo county, and hold at least one public meeting at some public and convenient place in each district for the purpose of hearing complaints and obtaining the views of citizens of the county on matters and things concerning or pertaining to the business or general welfare thereof.

Section 16. That in case of a vacancy in said board of revenue, it shall be filled by appointment by the Governor, and the person so appointed shall hold office for the remainder of the term of the member of the board of revenue in whose place he is appointed.

Section 17. That no member of said board of revenue shall discharge the duties, either as principal or deputy, of any State or county office, so long as he is a member of said board of revenue.

Section 18. That three members of said board of revenue shall constitute a quorum for the transaction of business.

Section 19. That if any section, paragraph, portion or provision of this Act shall be declared unconstitutional or void for any reason, it shall not affect the validity of the remaining paragraphs, provisions, portions or sections of this Act.

Section 20. That all laws and parts of laws, general, local or special, in conflict with the provisions of this Act, be and the same are, hereby repealed.

Section 21. That this Act shall take effect immediately after its approval by the Governor.

July 11th, 1923.

J. T. Carlton,
W. G. Allen,
Henry McDaniel.

State of Alabama, }
Marengo County. }

Before me, Rowena Barger, a Notary Public in and for said county and State, this day personally appeared E. S. Cornish, of Demopolis, Alabama, who is personally known to me, and who being by me first duly sworn, deposes and says:

That he is editor of the Demopolis Times, a weekly newspaper published regularly each week in the city of Demopolis, in Marengo county, Alabama; that the above and foregoing notice "To establish a board of revenue for Marengo county, and for the abolishment of the court of county commissioners of said county," as is set forth above, was regularly published, without cost to the State, once a week for four consecutive weeks in said the Demopolis Times, in said Marengo county, Alabama, beginning on and in the issue of said newspaper of August 9th, 1923, and appearing in said newspaper regularly and consecutively on August 9th, 1923, August 16th, 1923, August 23rd, 1923 and August 30th, 1923.

E. S. Cornish.

Sworn to and subscribed before me this the 1st day of September, A. D., 1923.

Rowena Barger,
Notary Public in and for Marengo County, Alabama.

By Mr. Letson:

H. 905. To fix by law the number of Representatives in the Legislature of Alabama and to apportion them among the several counties of the State according to the number of inhabitants in them respectively and to fix by law the number of Senators in the Legislature of Alabama and to divide the State into as many senatorial districts as there are senators.

Judiciary.

By Mr. Goodwyn:

H. 906. To appropriate funds for the assembling and binding of newspapers in the files of the Department of Archives and History.

Ways, Means and Appropriations.

By Mr. Embry (with notice and proof):

H. 907. To abolish the office of the board of education of St. Clair county, Alabama.

Local Legislation.

Notice and proof, H. 907:

State of Alabama, St. Clair County.

Personally appeared before the undersigned authority, B. B. Cather, who being by me first duly sworn doth depose and state: that he is the owner and publisher of the Southern Aegis, a newspaper published at Ashville, St. Clair county, Alabama; that the attached notice of intention to apply to the Legislature for the passage of a local law was published in

said paper on the following dates, to-wit: August 9th, August 16th, August 23rd, and August 30th, 1923.

Sworn and subscribed to before me this the 31st day of August, 1923.

B. B. Cather,
Owner and Publisher of the Southern Aegis.
Electra Prickett,
Notary Public.

NOTICE OF INTENTION TO APPLY TO THE LEGISLATURE FOR
THE PASSAGE OF A LOCAL LAW.

The substance of such law being:

Section 1. To abolish the board of education of St. Clair county, Alabama.

By Mr. Embry (with notice and proof):

H. 908. To provide for the election of a county superintendent of education for St. Clair county, Alabama; to fix his term of office; to prescribe his salary and the manner of payment; to define his qualifications, powers and duties; to provide for a special election to be held to elect such county superintendent under this Act, and to provide for the election of his successor in office.
Local Legislation.

Notice and proof, H. 908:

NOTICE OF INTENTION TO APPLY TO THE LEGISLATURE FOR
THE PASSAGE OF A LOCAL LAW.

The substance of such law being:

Section One. To elect a county superintendent of education for St. Clair county, Alabama, by the qualified electors of said county at a special election held for such purpose; to fix his term of office; to provide for the election of the county superintendent of education of said county each four years thereafter.

Section Two. To fix the salary of such superintendent and provide the manner of paying the same.

Section Three. To prescribe his duties and qualifications and eligibility to said office.

Section Four. To provide for the filling of any vacancy that may occur in the office of the county superintendent of education of said county.

Section Five. To provide for the impeachment of county superintendent of education for cause, and the proceedings for the institution of such impeachment, and for an appeal to the circuit court, by any county superintendent who may be removed by the court of county commissioners.

Section Six. To provide for the manner of qualifying as such county superintendent of education and executing of bond for performance of his duties.

Section Seven. To repeal all laws and parts of laws in conflict with the provisions of said Act.

State of Alabama, St. Clair County.

Personally appeared before the undersigned authority, B. B. Cather, who being by me first duly sworn, doth depose and state: that he is the owner and publisher of the Southern Aegis, a newspaper published at Ashville, St. Clair county, Alabama; that the attached notice of intention to apply to the Legislature for the passage of a local law was published in

said paper on the following dates, to-wit: August 9th, August 16th, August 23rd, and August 30th, 1923.

Sworn and subscribed to before me this the 31st day of August, 1923.

B. B. Cather,
Owner and Publisher of the Southern Aegis.
Electra Prickett,
Notary Public.

By Mr. Embry (with notice and proof):

H. 909. To provide for the election of three school trustees for each school district in St. Clair county, Alabama, and to prescribe their duties.

Local Legislation.

Notice and proof, H. 909:

NOTICE OF INTENTION TO APPLY TO THE LEGISLATURE FOR THE PASSAGE OF A LOCAL LAW.

The substance of such law being:

Section 1. To provide for the election by the qualified electors of each school district of St. Clair county, Alabama, at the next general election and each four years thereafter, three school trustees for each school district therein, to define their duties as such school district trustees.

Section 2. To provide when they are to take office and how vacancies in the offices of school district trustees are to be filled.

Section 3. To provide for their removal by the county superintendent of education for misconduct in office or immorality.

Section 4. To provide for an appeal to the State Superintendent of Education by any district trustee who may be removed by the county superintendent for cause.

Section 5. To repeal all laws and parts of laws in conflict with said Act.

State of Alabama, St. Clair County.

Personally appeared before the undersigned authority, B. B. Cather, who being by me first duly sworn doth depose and state: that he is the owner and publisher of the Southern Aegis, a newspaper published at Ashville, St. Clair county, Alabama; that the attached notice of intention to apply to the Legislature for the passage of a local law was published in said paper on the following dates, to-wit: August 9th, August 16th, August 23rd, and August 30th, 1923.

Sworn and subscribed to before me this the 31st day of August, 1923.

B. B. Cather,
Owner and Publisher of the Southern Aegis.
Electra Prickett,
Notary Public.

By Mr. Moxley (with notice and proof):

H. 910. To amend section (1) and section (3) of an Act entitled "An Act to make better provision for the payment of the fees of State witnesses in criminal cases in the circuit court and county court and before the grand jury of Crenshaw county, to make appropriations therefor and to fix the amount of such fees and to prescribe the duties of the county treasurer under this Act. Local Act for Crenshaw county. Approved September 12, 1919.

Local Legislation.

Notice and proof, H. 910:

NOTICE.

To Whom It May Concern:

Notice is hereby given that a bill will be introduced at the session of the Legislature of Alabama, which convenes within the month of July, 1923, the substance of which bill will be to amend section 3, of an Act entitled an Act "To make better provision for the payment of the fees of State witnesses in criminal cases in the circuit court and county court and before the grand jury of Crenshaw county, to make appropriations therefor and to fix the amount of such fees and to prescribe the duties of the county treasurer under this Act."

Approved Sept. 12, 1919, be so amended as to read as follows:

Section 3. The fees of witnesses in criminal cases in said circuit and county court and before the grand jury, shall be fifty cents per day and three cents per mile for each mile traveled in going to and from their residence by the route of usual travel.

Respectfully submitted,
J. B. Moxley.

AFFIDAVIT OF PUBLICATION.

I, C. L. Kettler, editor of the Crenshaw County News, a newspaper published weekly at Luverne, Alabama, do solemnly swear that a copy of the above notice, as per clipping attached, was published once a week in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks commencing with the issue dated July 5th, 1923, and ending with the issue dated July 26, 1923.

Subscribed and sworn to before me this 27th day of July, 1923.
(Seal) C. L. Kettler
A. D. Fundaburk, N. P.

By Mr. Fite (with notice and proof):

H. 911. For the relief of Levi F. Clayton.

Local Legislation.

Notice and proof, H. 911:

State of Alabama, }
Jefferson County. }

Personally appeared before me the undersigned authority in and for said county and State, Levi F. Clayton, who being duly sworn on oath states that he is the identical Levi F. Clayton in whose behalf a bill is about to be introduced in the Legislature of Alabama, providing for a pension or periodical payments to be made to him by the State of Alabama or county of Jefferson.

Affiant further says that notice of the intention to apply for the passage of said law was published in "The Alabama Traveler," a newspaper published in Birmingham, Jefferson county, Alabama, and a general circulation throughout the State of Alabama for four consecutive weeks, the last publication of which was made on Saturday, August 11th, 1923, a copy of which publication is hereto attached, marked "Exhibit A" and made a part of this affidavit.

Sworn to and subscribed before me this 13th day of August, 1923.
Levi F. Clayton.
E. E. Pawson,
Notary Public.

EXHIBIT A. NOTICE OF INTENTION TO APPLY TO THE LEGISLATURE OF ALABAMA FOR THE PASSAGE OF A SPECIAL OR PRIVATE LAW.

The public will take notice that on behalf of Levi F. Clayton application will be made to the adjourned session of the present Legislature of Ala-

bama to pass an Act in substance providing for a pension of \$75 per month to be paid to him monthly for his life, by the treasurer of Jefferson county, or by the State of Alabama or by the county and State, as the Legislature may determine, out of any funds not otherwise appropriated.

By Mr. Howard (by request):

H. 912. To make an appropriation to the State Board of Education to be used for the purpose of erecting, repairing and equipping buildings at the State Secondary Agricultural Schools and for matching contributions made for such purposes.

Ways, Means and Appropriations.

By Mr. Verner:

H. 913. To further provide for the revenue of the State.

Ways, Means and Appropriations.

By Mr. Bealle:

H. 914. To confer on employers liens on property or effects furnished by employers to their employees.

Judiciary.

By Mr. Holcombe (with notice and proof):

H. 915. To extend the boundary lines of the city of Mobile, Alabama, and exempt the added territory and property having a situs therein from city taxes for a period of fifteen years.

Local Legislation.

Notice and proof, H. 915:

Notice is hereby given of the intention to apply to the Alabama Legislature, now in session, for the passage of the following bill:

A BILL

To be entitled an Act to extend the boundary lines of the city of Mobile, Alabama, and exempt the added territory from city taxes for a period of fifteen years.

Be it enacted by the Legislature of Alabama.

1. That the boundary lines of the city of Mobile, Alabama, shall be extended so as to include the following additional territory, viz.: beginning at the southeast corner of the present city limits; thence running due south to a point in Mobile bay due east of line between section seven and section eighteen, township eight south, range one west, Mobile county, Alabama; thence running west to north and south half section line of said sections seven and eighteen; thence north to the east line of Cedar Point road; thence northwardly along the east line of the Cedar Point road to point where it intersects the west line of section fifteen, township five south, range one west, of said county; thence running due north to the southern boundary line of the present city limits; thence running east along the said southern boundary line to the place of beginning.

2. That the additional territory thus brought within the said city of Mobile, and all property having a situs within such territory shall be exempt from the payment of taxes to the city of Mobile for a period of fifteen years from and after the passage and approval of this Act.

State of Alabama, }
County of Mobile. }

Before me, Nettie Chandler, a Notary Public in and for said county and State, this day personally appeared W. M. Fincher, who, being first duly

sworn, deposes and says that he is the secretary and treasurer of "The Mobile Register," a daily newspaper of general circulation, published in the city and county of Mobile, State of Alabama; that the above and foregoing

Notice given of the intention to apply to the Alabama Legislature, now in session, for the passage of the foregoing bill to extend the boundary lines of the city of Mobile, Alabama, and exempt the added territory from city taxes for a period of fifteen years,

Was published in said newspaper in said Mobile county for four consecutive weeks, being published in the four following issues of said newspaper: August 4th, 1923; August 6, 1923; August 12th, 1923; and August 21st, 1923; that the above and foregoing copy of said notice and bill is a clipping taken from the issue of said newspaper published on August 6th, 1923, and is an exact copy of said notice and bill as the same was published and appeared in said four issues of said newspaper.

W. M. Fincher,

Secretary and Treasurer of the Mobile Register.

Subscribed and sworn to before me this 25th day of August, 1923, by the said W. M. Fincher.

Nettie Chandler,

Notary Public, Mobile County, Alabama.

By Mr. Holcombe:

H. 916. To authorize municipalities of this State to assess ~~the whole or any part of the cost of erecting sea walls, breakwaters, or other means of preventing damage from waves, waters, or floods, against any real estate in said municipality benefited thereby, in proportion to the benefits so occasioned and make provision for such improvement; provided that the period over which any assessment is to be paid shall not exceed thirty years; and provided that the amount of the assessment shall not exceed the increase in value by reason of the special benefits resulting from such improvement to the property against which such assessment is made.~~

Municipal Organization.

By Mr. Arrington:

H. 917. To fix the compensation or salary to be paid the clerk of courts of county commissioners, boards of revenue and other courts of like jurisdiction, in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken, and to regulate the payment of the same.

Revision of Laws.

By Mr. Hall:

H. 918. To provide for the election, by the qualified voters, of all public school trustees, in the several school districts of the State of Alabama, outside of incorporated cities and towns, which have at present according to the Federal census, or which may hereafter have by any subsequent Federal census, a population of two thousand or more; and to provide for the powers and duties of such trustees.

Education.

By Mr. Goodwyn:

H. 919. To allow railroads, steamship companies, and all common carriers of Alabama to sell at one-half fare transportation privileges to all Confederate veterans and for other purposes.

Commerce and Common Carriers.

By Mr. Fite:

H. 920. To amend an Act entitled "An Act fixing the fees of solicitors for convictions for the illegal manufacture of spirituous, vinous and malt liquors, or intoxicating drinks," approved March 17, 1915.

Judiciary.

By Mr. Fite:

H. 921. To provide for the prosecution of all cases appealed from the police or recorder's court of cities to the circuit court in counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

Judiciary.

By Mr. Fite:

H. 922. To provide for the approval of any contract or contracts, plans, specifications, architectural design and equipment for the erection of any court houses, jails and hospitals by the court of county commissioners and boards of revenue in all counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

Judiciary.

By Mr. Fite:

H. 923. To amend section 574 of the Code of Alabama of 1907; to change the office of chief clerk to that of deputy secretary of State; to prescribe the duties of the deputy secretary of State; to fix the compensation of the said deputy secretary of State; to create the position of clerk in the office of the secretary of State; to prescribe the duties and fix the salary thereof; and to fix the salary of the stenographer in the office of the secretary of State.

Judiciary.

By Mr. Williams:

H. 924. To require all fines hereafter imposed on defendants convicted of criminal offenses in all criminal courts of this State, except justice of the peace courts, where the prosecution was begun by warrant issued upon information given or made by any one or more of the special force authorized by law to be employed by the Governor to assist him in his duty as chief executive officer of the State of taking care that the laws of the State are faithfully executed to be paid in money only; to prescribe

punishment for default in payment of such fines and regulate the collection and disposition of such fines.

Judiciary.

By Mr. Williams:

H. 925. To further provide for the revenue of the State.
Ways, Means and Appropriations.

By Mr. Rives:

H. 926. To provide further for the subjects of taxation in this State.

Ways, Means and Appropriations.

By Mr. Rives:

H. 927. To further provide for a solicitor's fee in all cases, where defendants are convicted in the criminal courts of this State for violation of any and all laws prohibiting the sale, giving away or otherwise disposing of vinous, spirituous or malt liquors, or intoxicating beverages, or for having the same in possession, or for manufacturing, or attempting to manufacture the same, or for having a still in possession, or for operating a still or attempting to operate a still, or for selling, giving away or otherwise disposing of near beer, or beverages that are prohibited by laws to be sold, given away, or otherwise disposed of or having the same in possession.

Judiciary.

By Mr. Moorer:

H. 928. To further provide for the revenue of the State.
Ways, Means and Appropriations.

By Mr. Moorer:

H. 929. To provide further for the levy, assessment and collection of taxes for the use of the State.

Ways, Means and Appropriations.

By Mr. Holcombe:

H. 930. To provide for the preservation, development and improvement of the State's oysters and oyster beds; to provide methods for the removal of oysters from the waters of this State; to provide for planting seed oysters and oyster shells on barren bottoms and depleted areas in the waters of Alabama; to provide for the repeal of statutes relating to leasing oyster bottoms; to provide for revenue to carry on the development of the State's oyster reefs and oyster bottoms; to provide for a tax on oysters; and for other purposes.

Game, Fish and Forestry Preservation.

By Mr. Holcombe:

H. 931. To provide for the development of the State's oyster reefs and bottoms; to provide methods for the removal of oysters and planting of depleted reefs and barren bottoms; to provide for boat licenses, and for other purposes.

Game, Fish and Forestry Preservation.

By Mr. Hatter (by request):

H. 932. To further provide for the revenue of Alabama.
Ways, Means and Appropriations.

By Mr. Moorer:

H. 933. To amend section 3652 of the Code of 1907.
Ways, Means and Appropriations.

By Mr. Kilborn:

H. 934. To provide for the manner of taxing, collecting, and disbursing solicitor's fees in all judicial circuits in this State composed of only one county and having more than two and less than five circuit judges, and to provide that a portion of such fees may be expended by the solicitor of such circuit in the operation of his office and in the detection and prosecution of crime.
Local Legislation.

By Mr. Rives (by request):

H. 935. To further provide for the revenue of the State.
Ways, Means and Appropriations.

By Mr. Snodgrass:

H. 936. To repeal an Act entitled "An Act to amend section 5885 of the Code of Alabama," approved Aug. 25, 1909.
Revision of Laws.

By Mr. Culver (with notice and proof):

H. 937. To require the city council of the city of Gadsden to divide the city into five wards and to provide for the election of one alderman from each ward and a mayor at the next general municipal election of the city of Gadsden to be held as now provided by law and to provide that said mayor and five aldermen shall constitute the governing board of the city of Gadsden on and after the first day of October, 1924, and to fix their term of office, their compensation and their duties and provide for the selection by the city council of a city attorney and fix his compensation.

Local Legislation.

Notice and proof, H. 937:

NOTICE.

Notice is hereby given that at the present session of the Legislature there will be introduced a local Act to require the city council of the city of Gadsden to divide the city into five wards and to provide for the election of one alderman from each ward and a mayor at the next general municipal election of the city of Gadsden to be held as now provided by law and to provide that said mayor and five aldermen shall constitute the governing board of the city of Gadsden on and after the first day of October, 1924, and to fix their term of office, their compensation, their authority and duties and to provide for the selection by the mayor and aldermen of a city attorney and to fix his compensation.

PROOF OF PUBLICATION.

State of Alabama, }
Etowah County. }

Personally appeared before me, a Notary Public in and for said county, A. W. McCulloch, publisher of the Gadsden Evening Journal, a newspaper published at Gadsden in said county, who, being first duly sworn, states that the annexed publication has been regularly made in said newspaper once a week for four consecutive weeks, Aug. 10, 17, 24 and 31, 1923.

A. W. McCulloch.

Sworn to and subscribed before me this fourth day of September, 1923.

Victor Vance,
Notary Public.

By Mr. Cato (by request):

H. 938. To fix the salary of the warrant clerk in the office of State Auditor.

Ways, Means and Appropriations.

By Mr. Howze:

H. 939. To amend section 3480 of the Code of Alabama of 1907.

Revision of Laws.

BILLS ON SECOND READING.

Mr. Luck, chairman of the Standing Committee on Local Legislation, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 356. To amend the title and the Act entitled "An Act to create and establish a board of county commissioners in and for Madison county, Alabama, in the place and stead of the board of revenue of Madison county now existing in said county and abolishing said board of revenue of Madison county; to divide said county of Madison into five districts, defining the boundaries thereof; defining the jurisdiction of said board of county commissioners, fixing their compensation; conferring upon said board of county commissioners all the jurisdiction, powers and authority granted by law to county commissioners, boards of revenue or other governing bodies of like name or authority in this State; authorizing the appointment of said board of county commissioners of a clerk; and a supervisor of public roads; providing for the holding of monthly meetings of said board of commissioners and providing for the repeal of all laws in conflict with this Act; providing for the appointment, nomination and election of said board of commissioners;" approved February 3rd, 1923.

Mr. Ashcraft of Lauderdale, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 782. To provide further for appropriations to the State Board of Health for the purpose of promoting further the public health of the State and the several counties thereof.

The above and foregoing bills were severally read a second time and placed upon the calendar.

REPORT OF RULES COMMITTEE.

Mr. Tunstall, acting chairman of the Committee on Rules, returned to the House the following resolutions with a favorable report:

H. R. 148. Making H. 288 a special order for 40th legislative day.

Also:

H. R. 157. Making H. 734 a special order for the 40th legislative day.

And the resolution were adopted.

MOTION IN WRITING.

Mr. Bealle made the following motion in writing as follows:

"That the House asks the Committee on Revision of Laws to report favorably or adversely on H. 710 on next legislative day."

And the motion of Mr. Bealle was lost.

Yeas, 36; Nays, 43.

Yeas:

Messrs:

Mr. Speaker	Christian	Hawkins	Smith (Jefferson)
Adams	Cook	Hodgson	Sollie
Adcock	Deloney	Letson	Stewart (Bibb)
Allen	Dickinson	McDaniel	Stewart (Calhoun)
Ashcraft (Fayette)	Dowdle	Moorer	Tunstall
Ashcraft (Lauderd'e)	Forman	Odom	Tyson
Bealle	Graves	Posey	Walton
Boykin	Guy	Ringer	Ware
Burton	Hall	Rives	Young

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Nays:

Messrs:

Arrington	Glenn	Howze	Pickens
Blackwell	Glover	Hubbard	Poole
Bowen, Lewis	Goodwyn	Jeter	Rountree
Bowen, L. K.	Grove	Jones	Sanders (Pike)
Calloway	Hampton	Kilborn	Smith (Lee)
Cato	Hatter	Long	Tiller
Dunwoody	Henley	Love	Varnier
Embry	Henson	Nichols	Walker
Fanning	Holcombe	Norman	Wall
Fite	Hornsby	Parker	Mrs. Wilkins
Gaines	Howard	Patterson	

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JOINT SESSION.

Under a joint resolution heretofore adopted, for the joint session of the two houses, for the purpose of hearing the address of Hon. James J. Davis, the Senate met with the House for the purpose of hearing the address.

Mr. Davis appeared and addressed the joint session, after which the joint session was dissolved and the Senate repaired to its chamber.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 322. To amend sections 7, 8, 13, 23, 28, 29, 36, 39 and 41 of an Act entitled "An Act, to regulate and provide for the military forces of the State of Alabama, and to promote its efficiency; to prescribe rules, regulations and means for its organization, armament, equipment, discipline, control and supervision; to provide for its maintenance, support and upkeep; to provide means for the enforcement of this Act; and to fix penalties and punishments for the violation of this Act." Approved September 19, 1919 and October 5, 1920.

J. E. Speight,
Secretary.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bills with the original bills, respectively, and find same correctly engrossed, to-wit:

H. 816. To amend sections ten, eleven, and eleven and one-half of an Act entitled "An Act in reference to and to further provide for the general revenue of the State of Alabama, approved August 22nd, 1923."

Lee Glenn,
Chairman.

The report of the committee was concurred in and adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 357. To provide an official court reporter for the Bessemer division of the circuit court of Jefferson county, Alabama; to provide assistants for such court reporter; to provide for the appointment and term of office of such court reporter and assistants; to fix the compensation and the manner of the payment thereof; to define the powers and duties thereof; to fix the per diem charges and fees for services rendered thereby, and the manner of taxing and collecting the same; to provide an office, and the equipment and supplies therefor; to prescribe the qualifications thereof, and generally to provide therefor.

H. J. R. 119. Relative to soldiers home at Mountain Creek, Alabama, being designated as "The Jefferson Manly Falkner Soldiers Home, Mountain Creek, Alabama."

H. 268. To define, license, regulate and control billiard rooms and to fix penalties for the violation of this Act.

H. 462. To provide for and regulate the assessment, levy and collection of municipal taxes of the city of Bessemer, Alabama and to define the duties of the State, county and municipal officers in regards thereto, to fix the tax year for said city and to make the county tax collector of Jefferson county ex-officio the collector of property taxes for the city of Bessemer, Alabama.

Jas. A. Smith,
Chairman.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and House joint resolution, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 220. To provide for the care, upkeep, custody and management of the building and grounds opposite the Capitol grounds and known as the First White House of the Confederacy, and to make appropriation therefor.

Also:

H. 312. To amend the caption, and sections one, two, three, four, five, six, seven, and eight of "An Act to establish a child welfare department for the State of Alabama, to prescribe its duties, functions, and powers, and to provide for the appointment of an executive and other officers of such department, to define their duties, to provide for their compensation, and to provide

for the maintenance and other expenses of such department, and to confer on said department all the duties, powers, and authority heretofore conferred on the State Prison Inspector insofar as his duties, powers, and authority relate to children under 16 years of age;" approved September 25, 1919; and section nine (9) of said Act as amended by an Act approved September 27, 1920.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Tunstall:

S. 383. To authorize and empower the probate court to sell the lands of a testator for the payment of legacies, when legacies are made a charge on such lands and no power is conferred upon the ~~personal~~ representative to sell the same, and to regulate the practice in such cases.

Also:

By Mr. Inzer (with notice and proof):

S. 438. To alter the boundary line between Calhoun and Etowah counties and to transfer from Etowah county to Calhoun county fractions L, M and N of section 6, township 14 south, range 6 east.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that at the 1923 session of the Legislature of Alabama there will be introduced a bill seeking the enactment of a law providing for the altering of the boundary line between Etowah county and Calhoun county so as to exclude from Etowah county and include in Calhoun county fractions L, M and N of section 6, township 14, south, range 6, east.

The State of Alabama, }
Etowah County. }

Before me, Lillian Mann, a Notary Public in and for said county and State, personally appeared A. W. McCuerd, who being by me first duly sworn, deposes and says on oath, that he is publisher of the Gadsden Evening Journal, a newspaper published daily in Gadsden, in said county; that the attached notice of proposed local law was published in the regular and entire issues of said newspaper, and not in any supplement thereof, for four consecutive weeks, beginning with the issue dated July 10, 1923 and ending with the issue dated July 31, 1923, and that said notice was published without cost to the State of Alabama.

A. W. McCuerd.

Sworn to and subscribed before me this 25th day of Aug., 1923.

(Seal)

Lillian Mann,
Notary Public, Etowah County, Ala.

NOTICE.

Notice is hereby given that at the 1923 session of the Legislature of Alabama there will be introduced a bill seeking the enactment of a law providing for the altering of the boundary line between Etowah county and Calhoun county so as to exclude from Etowah county and include in Calhoun county fractions L, M and N of section 6, township 14, south, range 6, east.

State of Alabama, }
Calhoun County. }

Before me, Clara B. Wright, a Notary Public in and for said State and county, personally appeared H. M. Ayers, who being by me first duly sworn, deposes and says on oath, that he is the publisher of the Anniston Star, a newspaper published daily in said county; that the attached notice of proposed local law was published in the regular and entire issues of said newspaper, and not in any supplement thereof, for four consecutive weeks, beginning with the issue dated July 10, 1923, and ending with the issue dated July 31, 1923, and that said notice was published without cost to the State of Alabama.

Sworn to and subscribed before me on this the 27th day of August, 1923.
(Seal) Harry M. Ayers.
Clara B. Wright,
Notary Public.

Also:

By Mr. Inzer (with notice and proof):

S. 439. To alter the boundary line between Etowah county and Calhoun county so as to transfer to Etowah county all that part of sections 34, 35 and 36 of township 12, range 8, which lies north of the Indian boundary line, and is now situated in Calhoun county, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that at the 1923 session of the Legislature of Alabama there will be introduced a bill seeking the enactment of a law providing for the alteration of the boundary line between Calhoun county and Etowah county so as to exclude from Calhoun county and include in Etowah county all that part of sections 34, 35 and 36, of township 12, range 8 north of the Indian boundary line, and which now lies in Calhoun county, Alabama.

The State of Alabama, }
Etowah County. }

Before me, Lillian Mann, a Notary Public in and for said county and State, personally appeared Chas. E. Weeks, who being by me first duly sworn, deposes and says on oath, that he is the president of the Times-News Printing Co., a newspaper published daily in said county; that the attached notice of proposed local law was published in the regular and entire issues of said newspaper, and not in any supplement thereof, for four consecutive weeks, beginning with the issue dated July 11, 1923 and ending with the issue dated Aug. 1, 1923, and that said notice was published without cost to the State of Alabama.

Sworn to and subscribed before me this 25th day of Aug., 1923.
(Seal) Chas. E. Weeks.
Lillian Mann,
Notary Public, Etowah County, Ala.

NOTICE.

Notice is hereby given that at the 1923 session of the Legislature of Alabama there will be introduced a bill seeking the enactment of a law providing for the alteration of the boundary line between Calhoun county and Etowah county so as to exclude from Calhoun county and include in Etowah county all that part of sections 34, 35, and 36, of township 12, range 8, north of the Indian boundary line and which now lies in Calhoun county, Alabama.

State of Alabama, }
Calhoun County. }

Before me, Clara B. Wright, a Notary Public in and for said county and State, personally appeared H. M. Ayers, who being by me first duly sworn, deposes and says on oath, that he is publisher of the Anniston Star, a newspaper published in Calhoun county daily; that the attached notice of proposed local law was published in the regular and entire issues of said newspaper, and not in any supplement thereof, for four consecutive weeks, beginning with the issue dated July 10, and ending with the issue dated July 31, 1923, and that said notice was published without cost to the State of Alabama.

Sworn to and subscribed before me on this the 27th day of August, 1923.
Harry M. Ayers.
Clara B. Wright,
(Seal) Notary Public.

Also:

By Mr. Brooks:

S. 429. To amend an Act entitled "An Act to amend sections 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6460, 6461, 6462, 6463, 6464, 6465, of the Code of Alabama 1907," approved September 16, 1915.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Judiciary, S. 383.

County and County Boundaries, S. 438, S. 439.

Revision of Laws, S. 429.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 49. To further provide for and regulate the payment of pensions to Confederate soldiers and sailors and their widows, and to make necessary appropriation therefor.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Deloney the House concurred in and adopted the Senate amendment to the bill, H. 49, said Senate amendment being as follows:

Amend House bill 49 by striking out "fifteen hundred (\$1,500.00)" where they appear in section 4 and insert in lieu thereof "eighteen hundred (\$1,800.00)."

Amend H. 49 by striking out section 7 of said bill.

Yeas, 62; Nays, 2.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Jeter	Ringer
Adams	Embry	Lee	Rives
Adcock	Fanning	Letson	Rountree
Allen	Fite	Love	Sanders (Pike)
Arrington	Forman	Luck	Smith (Clay)
Ashcraft (Fayette)	Glenn	McDaniel	Smith (Jefferson)
Ashcraft (Lauderd'e)	Glover	McGowen	Smith (Lee)
Bealle	Goodwyn	Melton	Stewart (Calhoun)
Bowen, Lewis	Grove	Moorer	Tiller
Bowen, L. K.	Hatter	Nichols	Tyson
Boykin	Henley	Norman	Walker
Burns	Hodgson	Odom	Walton
Cato	Holcombe	Parker	Ware
Christian	Hornsby	Patterson	Williams
Deloney	Howard	Pickens	Young
Dowdle	Hubbard		

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Nays:

Messrs:

Burton Henson

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BILL ON THIRD READING.

S. 371. To increase the power and authority of courts of county commissioners and courts of like jurisdiction in the acquisition by leasing, or otherwise, and in the maintenance and operation of bridges over navigable or other streams, and to authorize the expenditure of county funds for said purpose.

To authorize and empower said courts to contract for and take over by lease, or otherwise, the operation of bridges over navigable or other streams and to maintain the same as public highways; to authorize said courts to expend county funds in carrying out said contracts, in payment of lease hire, in the cost of maintenance, in paying for liability incurred by the counties to the owners or lessors of such bridges, on account of accidents or injuries that may arise from their operation; to contract with other courts of county commissioners or courts having like jurisdiction, for the joint taking over and operation of bridges; to lease, maintain, guard and keep in repair, such bridges, whether

they lie in part or wholly within the limits of any incorporated municipality and to ratify and confirm all contracts heretofore made by any court of county commissioners or court of like jurisdiction, whether with each other or with private parties for the taking over, maintenance, leasing and operation of bridges and all payments heretofore made by any county of this State through its properly authorized officers on account of such contracts or operations, or on account of pre-existing contracts or operations.

Was read a third time at length and passed.

Yeas, 77; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Jeter	Posey
Adams	Fanning	Jones	Ringer
Adcock	Fite	Kilborn	Rives
Allen	Forman	Kilpatrick	St. John
Arrington	Gaines	Lee	Sanders (Pike)
Ashcraft (Fayette)	Glenn	Letson	Smith (Clay)
Ashcraft (Tauderdl.)	Goodwyn	Long	Smith (Jefferson)
Bealle	Graves	McDaniel	Smith (Lee)
Blackwell	Grove	McGowen	Sollie
Bowen, L. K.	Guy	Melton	Stewart (Calhoun)
Boykin	Hall	Moorer	Tiller
Burns	Hatter	Moxley	Tunstall
Burton	Hawkins	Nichols	Tyson
Calloway	Henley	Norman	Walker
Cato	Henson	Odom	Wall
Christian	Hodgson	Parker	Walton
Cook	Holcombe	Patterson	Ware
Deloney	Howard	Pickens	Williams
Dickinson	Howze	Poole	Young
Dowdle			

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MESSAGE FROM THE GOVERNOR.

Gentlemen of the House of Representatives:

I am directed by the Governor to hand you herewith his message concerning Senate bill 172.

Respectfully,

A. L. Tyson,

Secretary to the Governor.

Sept. 4, 1923.

GOVERNOR'S MESSAGE.

Message to the Legislature:

Gentlemen:

It is exceedingly important that some legislation relative to the State Highway Commission be enacted at the present session of the Legislature. There are quite a number of proposed bills before the two houses for enactment. I have examined all of the proposed bills and have given them the best thought and attention which I have been able to do. It is my mature judgment that Senate bill 172, known as the Foster bill, as amended by the Ways and Means Committee of the House, is the best of all the proposed

measures now pending. I, therefore, respectfully request the two houses to pass this bill as amended by the Ways and Means Committee of the House as soon as practicable, to the end that the new commission may begin to function as soon as possible.

Respectfully submitted,
Wm. W. Brandon,
Governor.

September 4, 1923.

The above message was read at length and spread upon the Journal.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the resolution:

H. J. R. 165. Relative to adjournment of the two houses until Thursday, September 6th, 1923, at 10:00 o'clock A. M.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Powell:

S. 129. To make an appropriation for the equipment and maintenance of the Alabama room in the Confederate Memorial Museum at Richmond, Virginia.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate standing committee as follows:

Ways, Means and Appropriations, S. 129.

BILL ON THIRD READING.

H. 582. To protect the title of motor vehicles within this State; to provide for the issuance of certificates of title and evidence of registration thereof; to regulate purchase and sale or other transfer of ownership; to facilitate the recovery of motor vehicles stolen or otherwise unlawfully taken; to provide for the regulation and licensing of certain dealers in used and second-hand vehicles as herein defined; to provide for sale of vehicle with engine number altered or changed; to prescribe the powers and duties of the State Tax Commission and probate judges here-

under; and to provide penalties for violation of the provisions hereof.

Was taken up. Mr. Kilborn offered the following amendment to the bill:

Amend section 4 of H. 582 by striking out all of said section beginning with the words "guilty of a felony" and inserting in lieu thereof the following: "guilty of a misdemeanor and upon conviction shall be fined not more than \$500 and may also be sentenced to hard labor for the county for not more than twelve months."

And the amendment was adopted.

Yeas, 52; Nays, 5.

Yeas:

Messrs:

Mr. Speaker	Calloway	Guy	Love
Adcock	Christian	Hatter	McGowen
Allen	Cook	Henson	Moorer
Arrington	Dickinson	Hodgson	Moxley
Ashcraft (Fayette)	Dowdle	Holcombe	Odom
Ashcraft (Lauderdl.)	Dunwoody	Howard	Patterson
Bealle	Embry	Howze	Pickens
Blackwell	Fanning	Jones	Poole
Bowen, Lewis	Glenn	Kilborn	Rives
Bowen, L. K.	Glover	Kilpatrick	Smith (Clay)
Boykin	Goodwyn	Lee	Sollie
Burns	Graves	Letson	Stewart (Calhoun)
Byars	Grove	Long	Walker

—52

Nays:

Messrs:

Forman	McDaniel	Nichols	Smith (Jefferson)
Hawkins			

—5

Mr. Kilborn offered the following amendment to the bill:

Amend section 13 of H. 582 by striking out all that part of said section beginning with the words "guilty of a felony" and inserting in lieu thereof the following: "guilty of a misdemeanor and shall be punished by a fine of not more than \$500 and may also be sentenced to hard labor for the county for not more than twelve months."

And the amendment was adopted.

Yeas, 52; Nays, 5.

Yeas:

Messrs:

Mr. Speaker	Ashcraft (Lauderdl.)	Boykin	Cook
Adcock	Bealle	Burns	Dickinson
Allen	Blackwell	Byars	Dowdle
Arrington	Bowen, Lewis	Calloway	Dunwoody
Ashcraft (Fayette)	Bowen, L. K.	Christian	Embry

Fanning	Henson	Lee	Patterson
Glenn	Hodgson	Letson	Pickens
Glover	Holcombe	Long	Poole
Goodwyn	Howard	Love	Rives
Graves	Howze	McGowen	Smith (Clay)
Grove	Jones	Moorer	Sollie
Guy	Kilborn	Moxley	Stewart (Calhoun)
Hatter	Kilpatrick	Odom	Walker

—52

Nays:

Messrs:

Forman	McDaniel	Nichols	Smith (Jefferson)
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Hawkins

—5

Mr. Kilborn offered the following amendment to the bill:

Amend section 14 of H. 582 as follows:

By striking out the words "And upon conviction thereof shall be punished by a fine of not less than \$200 nor more than \$500 and by imprisonment in the county jail for a term of not less than thirty days nor more than 180 days," and inserting in lieu thereof the following: "And upon conviction thereof shall be punished by a fine of not more than \$500 and may be sentenced to hard labor for the county for not more than twelve months."

And the amendment was adopted.

Yeas, 52; Nays, 5.

Yeas:

Messrs:

Mr. Speaker	Calloway	Guy	Love
Adcock	Christian	Hatter	McGowen
Allen	Cook	Henson	Moorer
Arrington	Dickinson	Hodgson	Moxley
Ashcraft (Fayette)	Dowdle	Holcombe	Odom
Ashcraft (Lauder ¹)	Dunwoody	Howard	Patterson
Bealle	Embry	Howze	Pickens
Blackwell	Fanning	Jones	Poole
Bowen, Lewis	Glenn	Kilborn	Rives
Bowen, L. K.	Glover	Kilpatrick	Smith (Clay)
Boykin	Goodwyn	Lee	Sollie
Burns	Graves	Letson	Stewart (Calhoun)
Byars	Grove	Long	Walker

—52

Nays:

Messrs:

Forman	McDaniel	Nichols	Smith (Jefferson)
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Hawkins

—5

Mr. Kilborn offered the following amendment to the bill:

Amend section 17 of H. 582 by inserting the word "knowingly" before the words "make a false affidavit."

And the amendment was adopted.

Yeas, 52; Nays, 5.

*Yeas:**Messrs:*

Mr. Speaker	Calloway	Guy	Love
Adcock	Christian	Hatter	McGowen
Allen	Cook	Henson	Moorer
Arrington	Dickinson	Hodgson	Moxley
Ashcraft (Fayette)	Dowdle	Holcombe	Odom
Ashcraft (Lauderd'l)	Dunwoody	Howard	Patterson
Bealle	Embry	Howze	Pickens
Blackwell	Fanning	Jones	Poole
Bowen, Lewis	Glenn	Kilborn	Rives
Bowen, L. K.	Glover	Kilpatrick	Smith (Clay)
Boykin	Goodwyn	Lee	Sollie
Burns	Graves	Letson	Stewart (Calhoun)
Byars	Grove	Long	Walker

—52

*Nays:**Messrs:*

Forman	McDaniel	Nichols	Smith (Jefferson)
Hawkins			

—5

Mr. Rives offered the following amendment to the bill:

Amend H. 582 by adding Sec. 20:

That in all counties where the probate judge is on a salary all fees shown in this Act shall be deposited in the county treasury for the county.

And the amendment was adopted.

Yeas, 59; Nays, 0.

*Yeas:**Messrs:*

Adams	Cook	Henson	Moxley
Adcock	Dickinson	Hodgson	Norman
Allen	Dowdle	Holcombe	Odom
Arrington	Embry	Hornsby	Patterson
Ashcraft (Fayette)	Fanning	Jeter	Pickens
Ashcraft (Lauderd'l)	Fite	Jones	Poole
Bealle	Forman	Kilborn	Ringer
Blackwell	Glenn	Kilpatrick	Rives
Bowen, Lewis	Glover	Letson	Sanders (Pike)
Bowen, L. K.	Goodwyn	Long	Smith (Jefferson)
Boykin	Graves	Love	Stewart (Calhoun)
Burns	Grove	McDaniel	Tyson
Byars	Guy	McGowen	Walker
Calloway	Hampton	Mooneyham	Wall
Christian	Hatter	Moorer	

—59

And the bill:

H. 582. To protect the title of motor vehicles within this State; to provide for the issuance of certificates of title and evidence of registration thereof; to regulate purchase and sale or other transfer of ownership; to facilitate the recovery of motor vehicles stolen or otherwise unlawfully taken; to provide for the regulation and licensing of certain dealers in used and second-

hand vehicles as herein defined; to provide for sale of vehicle with engine number altered or changed; to prescribe the powers and duties of the State Tax Commission and probate judges hereunder; and to provide penalties for violation of the provisions hereof.

As amended, was read a third time at length and passed.

Yeas, 32; Nays, 25.

Nays:

Messrs:

Mr. Speaker	Dunwoody	Hornsby	Pickens
Adcock	Embry	Hubbard	Poole
Allen	Fanning	Jones	Rives
Arrington	Glenn	Long	Sanders (Pike)
Ashcraft (Lauder ^d l)	Goodwyn	McGowen	Sollie
Bealle	Henson	Moxley	Tiller
Bowen, Lewis	Hodgson	Norman	Walker
Calloway	Holcombe	Odom	Young

—32

Nays:

Messrs:

Adams	Cook	Hawkins	Nichols
Ashcraft (Fayette)	Dowdle	Lee	Ringer
Boykin	Glover	Letson	Smith (Clay)
Burns	Grove	Love	Smith (Jefferson)
Burton	Guy	McDaniel	Stewart (Calhoun)
Byars	Hampton	Melton	Ware
Christian			

—25

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 503. To provide and regulate further appeals to the Supreme Court from interlocutory judgments, decrees and orders.

H. 539. To provide for and create a lien in favor of all owners of peanut machines or pickers in the State of Alabama; to provide for the enforcement of such lien.

H. 659. To amend the title, and sections one, four, six, seven, eight, nine, eighteen, twenty-seven, thirty and thirty-three of an Act entitled: "An Act to regulate inferior courts or courts of common pleas, or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand, and less than fifty thousand population, according to the last or any subsequent Federal census; to provide and define the jurisdiction and powers of such courts; to provide for the judges and officers of such courts, and their powers, duties and compensation and to fix the fees and costs for such courts; to provide the rules of procedure for such courts; and for the operation thereof; and to

provide for registering and a lien for its judgments; and to abolish justices of the peace in such cities," approved February 19, 1919, found in the General Acts of Alabama, 1919, pages 155 to 163, inclusive.

H. 362. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson county, Alabama, including within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53, and 55, as now constituted, to define the jurisdiction and powers of said court, the judge, clerk, and other officers thereof; to provide for a place for holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

H. 172. To require sheriffs and clerks of courts of record to prorate costs as collected in proportion, as each is entitled.

H. 519. To amend an Act entitled "An Act to provide a manner of selling all of the property of a private corporation," approved April 21st, 1911.

H. 479. To divide Tallapoosa county, Alabama, into five commissioners' districts and provide for the election of the commissioners from each of said districts.

H. 736. To fix the compensation or salaries of tax assessors and tax collectors in counties of 200,000 inhabitants, or more, according to the last or any subsequent Federal census; and to require such officers to pay into the county treasury of such county, or counties, all fees, commissions, costs or other emoluments which are now allowed by law.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Tunstall:

S. 442. To authorize municipal corporations to divide the territory within the corporate limits into zones or districts and to provide the kind and character and use of structures that may be erected within the several zones and to rearrange the same from time to time and to adopt necessary ordinances to carry into effect the provisions of this Act.

By Mr. Powell:

S. 292. To provide for the payment of mileage and per diem to members of certain recess committees of the Legislature of 1923.

By Mr. Griffith:

S. 346. To amend section 6856 of the Code of 1907.

By Mr. Teasley:

S. 430. To authorize the courts of county commissioners, boards of revenue or other courts of like jurisdiction in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken, to establish two or more places of voting in the same election precincts when it is deemed necessary for the convenience of the voters therein; and to separate the list of qualified voters in groups in alphabetical order so that no group shall contain more than three hundred qualified voters; and to designate the places at which the qualified voters in such precinct shall cast their ballot and to require the probate judge of said counties to furnish the election managers lists of qualified voters in groups as herein provided.

By Mr. Teasley:

S. 379. To provide for the printing and binding of additional copies of the Acts and joint resolutions of the Legislature and payment therefor.

By Mr. Middleton:

S. 406. To require all insurance companies, associations or societies heretofore chartered by special Act of the General Assembly of Alabama, or by special Act of the Legislature of Alabama, to meet the requirements in all respects now provided by law for insurance companies, societies or associations.

By Mr. Slone:

S. 386. To prohibit the sale, barter, or exchange of alcoholic, spirituous, vinous or malt liquor or other prohibited liquors containing poison and to prescribe punishment for same.

By Mr. Brower (by request):

S. 255. To prohibit the knowingly use of or knowingly suffering the use of an automobile, hired or obtained from another for a lawful purpose or business, to be used, for the purpose of the removal or transportation of prohibited liquors in violation of the laws of Alabama. And to provide the punishment for the violation thereof.

By Mr. Brower (by request):

S. 254. To prohibit any person from fraudulently obtaining possession of an automobile by hiring or renting same with intent to convert it to his own use and converting same; providing punishment therefor; and providing that evidence of such conversion be prima facie evidence of fraudulent intent to convert at time possession obtained.

By Mr. Randall:

S. 428. To provide for the introduction in evidence of a sheriff's deed without independent proof of facts or proceeding recited in such deed.

By Mr. Foster:

S. 417. To authorize and provide a fund to be known as the State Insurance Fund which is to be carried by the State Treasurer for the purpose of insuring against loss by fire or tornado all State-owned buildings or buildings in which the State has appropriated monies for the erection or equipment thereof, or which may have been deeded to the State, and all property equipment, furniture and fixtures or supplies belonging to or stored in such buildings and any and all properties of such nature as may be acquired by the State, and to this end to establish a basis for assessment and collection of premiums, to provide for a sinking fund with which to pay losses, to provide an emergency appropriation to be used only in case of loss by fire or tornado in excess of collection of premiums, to provide for a division of the State's property into groups, to provide for return of surplus for maintenance purposes, to provide for inspection and valuation of State property and promulgate rules and regulations necessary for the operation of the Act.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Judiciary, S. 442, S. 255, S. 254, S. 417.

Ways, Means and Appropriations, S. 292.

Revision of Laws, S. 346, S. 428.

Local Legislation, S. 430.

Public Printing, S. 379.

Banking and Insurance, S. 406.

Temperance, S. 386.

RECESS.

On motion of Mr. Fite, the House recessed until 8 P. M.

NIGHT SESSION.

The hour of eight o'clock having arrived the House reconvened.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the Executive Department on the dates and hours

named, and that I hold the receipts of the Executive Department for same.

Delivered to Governor Sept. 4, 1923, at 4:50 P. M.:

H. 357.

Also:

H. J. R. 119.

Also:

H. 268.

Also:

H. 462.

J. H. Stewart,
Clerk.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 334. To amend Sections 1 and 2 of Article 29 of an Act to provide a complete educational system for the State of Alabama; to provide a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State superintendent of education and to fix his compensation; to provide for the organization of the State department of education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education; to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State

within certain ages, to fix penalties, to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school-houses, and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform text books throughout the State and to authorize the creation of a State text book committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high schools may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to the State Secondary Agricultural Schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State normal schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama School of Trades and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Ala-

bama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment, the length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and the Alabama School for Negro Deaf and Blind, to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto, and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this act and to provide for the repeal of inconsistent laws enacted heretofore. Approved September 26, 1919.

J. E. Speight,
Secretary.

BILLS ON THIRD READING.

H. 510 (with amendment). To amend "An Act to regulate inferior courts in cities having more than thirty-five thousand population according to the last Federal census, or any subse-

quent Federal census, to prescribe the jurisdiction of such courts and provide for the number and compensation of the judges for said courts, and to provide for the appointment and compensation of the clerks, assistant clerks, bailiffs and other officers thereof, and to abolish the office of the justice of the peace in said cities.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Strike out the words "except those for the violation of the prohibition law," as they appear in the 7th line of section 1. And by adding immediately after the words "court is established," in the 13th line of section 1, the following: "Provided that such court shall not have such concurrent criminal jurisdiction over any such abutting precinct where such abutting precinct abuts a precinct wherein is located a municipality other than the municipality for which in lieu of justices of the peace such inferior court was established and created.

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Henley	Posey
Adams	Dunwoody	Henson	Ringer
Adcock	Embry	Hornsby	Rives
Allen	Fanning	Howard	St. John
Bealle	Fite	Jeter	Sessions
Bowen, Lewis	Forman	Jones	Smith (Jefferson)
Bowen, L. K.	Gaines	Lee	Sollie
Boykin	Glenn	Letson	Stewart (Bibb)
Burns	Glover	Long	Tiller
Burton	Graves	Love	Tunstall
Byars	Guy	Luck	Tyson
Cato	Hall	Odom	Wall
Christian	Hampton	Parker	Walton
Cook	Hatter	Pickens	Ware
Culver	Hawkins	Poole	Young

—60

And the bill:

H. 510. To amend "An Act to regulate inferior courts in cities having more than thirty-five thousand population according to the last Federal census, or any subsequent Federal census, to prescribe the jurisdiction of such courts and to provide for the number and compensation of the judges for said courts, and to provide for the appointment and compensation of the clerks, assistant clerks, bailiffs and other officers thereof, and to abolish the office of the justice of the peace in said cities.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Henley	Posey
Adams	Dowdle	Henson	Ringer
Adcock	Embry	Hornsby	Rives
Allen	Fanning	Howard	St. John
Bealle	Fite	Jeter	Sessions
Bowen, Lewis	Forman	Jones	Smith (Jefferson)
Bowen, L. K.	Gaines	Lee	Sollie
Boykin	Glenn	Letson	Stewart (Bibb)
Burns	Glover	Long	Tiller
Burton	Graves	Love	Tyson
Byars	Guy	Luck	Wall
Cato	Hall	Odom	Walton
Christian	Hampton	Parker	Ware
Cook	Hatter	Pickens	Williams
Culver	Hawkins	Poole	Young

—60

S. 341. For the relief of W. M. Teal and the estate of B. C. Cox.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Jeter	Posey
Adams	Fanning	Jones	Ringer
Allen	Fite	Kilborn	Rives
Bealle	Forman	Lee	Rountree
Boykin	Gaines	Letson	Sollie
Burns	Glenn	Long	Stewart (Bibb)
Burton	Glover	Love	Stewart (Calhoun)
Byars	Goodwyn	Luck	Tiller
Cato	Graves	Melton	Tyson
Christian	Grove	Mooneyham	Varner
Cook	Guy	Moorer	Wall
Culver	Hall	Nichols	Walton
Deloney	Hornsby	Odom	Ware
Dowdle	Howard	Pickens	Williams
Dunwoody	Howze	Poole	Young

—60

H. 793. To provide for the election of a county superintendent of education for Blount county, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the term and compensation of such officer.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Bealle	Cato	Deloney
Adcock	Boykin	Cook	Dowdle
Allen	Burns	Culver	Dunwoody

Embry	Hornsby	Moorer	Tiller
Fanning	Howard	Nichols	Tunstall
Fite	Howze	Norman	Tyson
Gaines	Jeter	Patterson	Varner
Glenn	Jones	Pickens	Verner
Glover	Kilborn	Poole	Walker
Goodwyn	Lee	Posey	Wall
Guy	Letson	Ringer	Walton
Hall	Love	Rives	Ware
Hatter	Luck	Rountree	Mrs. Wilkins
Hawkins	McGowen	Stewart (Bibb)	Williams
Hodgson	Melton	Stewart (Calhoun)	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 707. For the relief of A. H. Shepperd, register of the circuit court of Calhoun county, to pay him the sum of \$305.85 due him by the State of Alabama, for services rendered by him as such register in the case of the State of Alabama against Alabama Land & Mineral Co., et al., in the circuit court of said county.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Howze	Parker
Adams	Fanning	Hubbard	Patterson
Adcock	Fite	Jeter	Pickens
Allen	Gaines	Jones	Posey
Ashcraft (Lauderdt'e)	Glenn	Kilborn	Ringer
Bealle	Glover	Lee	Rives
Blackwell	Goodwyn	Letson	Rountree
Bowen, L. K.	Graves	Love	Smith (Lee)
Boykin	Guy	Luck	Sollie
Burns	Hall	McDaniel	Stewart (Bibb)
Byars	Hatter	Melton	Stewart (Calhoun)
Cato	Henley	Mooneyham	Tiller
Christian	Henson	Nichols	Tyson
Cook	Hornsby	Norman	Williams
Culver	Howard	Odum	Young

—60

H. 713. To abolish the office of jury commissioners and the jury commission as now constituted in and for Coffee county, Alabama; and to impose on the county commissioners of Coffee county, Alabama, the performance of all the duties and acts now required of the jury commissioners and the jury commission of said county, which duties are prescribed in the Act of the Legislature of Alabama, approved August 31, 1909; and to fix compensation of said county commissioners of said county for performance of such duties.

Was read a third time at length and passed.
Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Hodgson	Posey
Adams	Embry	Howard	Ringer
Allen	Fanning	Howze	Rives
Ashcraft (Fayette)	Fite	Jeter	St. John
Boykin	Gaines	Jones	Sessions
Burns	Glenn	Lee	Sollie
Byars	Glover	Letson	Tiller
Calloway	Goodwyn	Long	Tunstall
Cato	Graves	Love	Tyson
Christian	Grove	Luck	Varner
Cook	Guy	Melton	Verner
Culver	Hall	Moorer	Walton
Deloney	Hawkins	Norman	Ware
Dickinson	Henley	Odom	Williams
Dowdle	Henson	Poole	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 691. To amend section 8 of an Act entitled "An Act to create the office of county solicitor for Crenshaw county, Alabama, to prescribe his qualifications and duties; to provide for his election by the qualified electors of the county; to provide for the filling of vacancies in said office; to fix his salary and prescribe the length of term of his office and to repeal conflicting laws."

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Kilpatrick	Pickens
Adams	Fite	Lee	Poole
Adcock	Gaines	Letson	Posey
Allen	Glenn	Long	Ringer
Boykin	Glover	Love	Rives
Burns	Goodwyn	Luck	Sollie
Byars	Henley	McDaniel	Tiller
Cato	Henson	McGowan	Tyson
Christian	Hodgson	Melton	Verner
Cook	Holcombe	Moorer	Walker
Culver	Howard	Moxley	Wall
Deloney	Howze	Nichols	Walton
Dowdle	Jeter	Norman	Ware
Dunwoody	Jones	Odom	Williams
Embry	Kilborn	Parker	Young

—60

H. 716. To provide a system for the construction and maintenance of public roads and bridges for the county of Fayette, Alabama. By creating a road commission in the several precincts.

of said county; by appointing overseers in the several precincts by said road commission; by requiring the members of said road commission to take the oath of office; by requiring the treasurer of said road commission to give bond; by requiring all male citizens between the age of eighteen and forty-five years to work on the public roads and bridges eight days each year or pay a commutation fee in lieu of work of \$8.00 per annum; by requiring the road commissioners and overseers to serve as such road commissioners and overseers when within road age; by prescribing the method of securing exemption from road duty; by providing for the collection of said commutation fees by the treasurer of the several road commissions; by directing how said commutation fee shall be expended by said road commission; by requiring the road commission in the several precincts to make reports to the county commissioners as to how said commutation fees have been expended; by providing a method for warning hands to work on said roads and bridges; by providing a method for excusing defaulters from working said roads and bridges; by providing for the making and painting of mile posts and direction signs to be paid for by the county commissioners out of any special road funds; by providing the duties of county commissioners, road commissioners, and overseers with reference to said roads and bridges; by providing for the keeping and repairing of road tools, machinery and implements belonging to said county to be used for working and maintaining said roads and bridges; by providing for the removal of road commissioners and overseers for neglect of duty, drunkenness or incompetency; by providing for the paying of a license tax on wagons and motor trucks used on said roads and bridges for commercial purposes and said license tax to be used in repairing the roads and bridges of said county used or contemplated being used by the party paying said license tax; by requiring automobiles, taxicabs or other motor vehicles transporting passengers for hire on said public roads and bridges to pay a license tax to be used in repairing the roads and bridges of said county used or contemplated being used by the party paying said license tax; by prohibiting wagons and trucks on which a license tax is required to be paid from using said roads and bridges for a period of twelve and fifteen hours after each rain of sufficient quantity to stand in puddles in said roads for a period of thirty minutes after each rain; by requiring the owners of said wagons and trucks to immediately repair damages to said roads when used in a soggy or boggy condition; by requiring the owners of said wagons and trucks to immediately repair all damage done to the bridges on said roads; by making the owners of said wagons and trucks liable for damage done to said bridges; by giving the county or any citizen thereof the right to enjoin said owners of said wagons and trucks from damaging or injur-

ing said roads and bridges; by giving the county court and circuit court jurisdiction of all criminal violations of said Act; by giving the circuit court jurisdiction of civil suits for damages to said roads and bridges; by requiring the circuit judge to give this Act in charge to the grand jury; by providing that violations of this Act shall be commenced in the county or circuit court; by making the sheriff, constables, State law enforcement officers and all road officials of said county to begin prosecution for violations of this Act; by authorizing the county commissioners to supplement the commutation fees in the several precincts of said county from any special road or bridge funds or the gasoline tax fund by paying said supplement to the road commissions in the several precincts to be used by them in repairing and maintaining the roads in their respective precincts; by requiring the road commission through one of its members of the several precincts to report all violations of this Act to the grand jury and to report the condition of said roads of their respective precincts to said grand jury and providing penalties for the violations of this Act.

Was taken up. Mr. Ashcraft of Fayette offered the following amendment to the bill:

Amend House bill 716 so as to make section 43 to read as follows:

Section 43. No such wagon or truck as is required to pay license tax under section 39 of this Act except automobiles, taxicabs, and busses hauling passengers for hire or compensation, and wagons or trucks used for hauling children to and from school, wagons or trucks used for delivering ice, gasoline and oil, and product of bottling plants shall be operated on said highways except on paved roads, within twelve hours after a rainfall of sufficient quantity to cause the rain water to stand in said highway for as long as thirty minutes after falling, and when said roadway is muddy, boggy or wet caused from slow, soaking rains it is expressly: made unlawful for such truck or wagon to be driven over said boggy or wet road caused from slow soaking rain while in such condition. Provided, however, if the driver of such wagon or truck is from necessity returning from his trip or passing through said county over said road in the usual course of business, he may drive on said highway one way. But provided further, that no truck equipped with solid or semi-pneumatic tires on the wheels may be operated on said highway within fifteen hours after such rainfall except on paved roads, except from necessity in returning from his trip or passing through said county over said roads in the usual course of business, he may drive on said highway one way.

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Hubbard	Posey
Adams	Deloney	Jeter	Ringer
Arrington	Dowdle	Jones	Rives
Ashcraft (Fayette)	Dunwoody	Kilborn	Rountree
Ashcraft (Lauderdal)	Embry	Lee	Sanders (Concuh)
Bealle	Gaines	Letson	Sanders (Pike)
Bowen, Lewis	Glenn	Long	Smith (Clay)
Bowen, L. K.	Glover	Love	Smith (Lee)
Boykin	Goodwyn	Luck	Stewart (Bibb)
Burns	Graves	Melton	Stewart (Calhoun)
Byars	Grove	Nichols	Tiller
Calloway	Henley	Parker	Tunstall
Cato	Henson	Patterson	Tyson
Christian	Hodgson	Pickens	Wall
Cook	Holcombe	Poole	Young

—60

Mr. Ashcraft of Fayette offered the following amendment to the bill:

Amend House bill 716, section 17, by striking out the following words in lines 3 and 4:

"With the proper tools."

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Lee	Rountree
Adams	Fanning	Letson	Sanders (Pike)
Adcock	Fite	Long	Sollie
Allen	Forman	Love	Stewart (Bibb)
Arrington	Gaines	McDaniel	Stewart (Calhoun)
Ashcraft (Fayette)	Glenn	Melton	Tiller
Blackwell	Glover	Nichols	Tunstall
Bowen, Lewis	Goodwyn	Norman	Tyson
Bowen, L. K.	Graves	Odom	Varnier
Boykin	Grove	Parker	Verner
Calloway	Guy	Pickens	Wall
Christian	Hall	Poole	Walton
Dickinson	Hampton	Posey	Ware
Dowdle	Jeter	Ringer	Williams
Dunwoody	Jones	Rives	Young

—60

Mr. Ashcraft of Fayette offered the following amendment to the bill:

Amend House bill 716 by adding section 8½ after "section 8".

Section 8½. The road commission in each precinct may pay to each road overseer an amount not to exceed one dollar per day for each day's service on the public roads after he has rendered eight days service on said roads in each year. It is the intention and purpose of this section to allow each overseer who serves

more than eight days in any one year one dollar per day for each day's service after he has served eight days service in any one year and that said amount may be allowed said overseers when necessary to keep the roads and bridges in repair and when found correct and may be paid out of the commutation fees on any supplement to said fund by the county commissioners.

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Cato	Goodwyn	Moxley
Adams	Christian	Hornsby	Pickens
Adcock	Cook	Howard	Poole
Allen	Culver	Howze	Posey
Arrington	Deloney	Kilborn	Ringer
Ashcraft (Fayette)	Dickinson	Kilpatrick	Rives
Bealle	Dowdle	Lee	Rountree
Blackwell	Dunwoody	Letson	St. John
Bowen, Lewis	Embry	Long	Sanders (Conecuh)
Bowen, L. K.	Fanning	Love	Sanders (Pike)
Boykin	Fite	Luck	Sessions
Burns	Forman	McGowen	Sollie
Burton	Gaines	Melton	Stewart (Bibb)
Byars	Glenn	Mooneyham	Stewart (Calhoun)
Calloway	Glover	Moorer	Young

—60

And the bill:

H. 716. To provide a system for the construction and maintenance of public roads and bridges for the county of Fayette, Alabama. By creating a road commission in the several precincts of said county; by appointing overseers in the several precincts by said road commission; by requiring the members of said road commission to take the oath of office; by requiring the treasurer of said road commission to give bond; by requiring all male citizens between the age of eighteen and forty-five years to work on the public roads and bridges eight days each year or pay a commutation fee in lieu of work of \$8.00 per annum; by requiring the road commissioners and overseers to serve as such road commissioners and overseers when within road age; by prescribing the method of securing exemption from road duty; by providing for the collection of said commutation fees by the treasurer of the several road commissions; by directing how said commutation fee shall be expended by said road commission; by requiring the road commission in the several precincts to make reports to the county commissioners as to how said commutation fees have been expended; by providing a method for warning hands to work on said roads and bridges; by providing a method for excusing defaulters from working said roads and bridges; by providing

for the making and painting of mile posts and direction signs to be paid for by the county commissioners out of any special road funds; by providing the duties of county commissioners, road commissioners, and overseers with reference to said roads and bridges; by providing for the keeping and repairing of road tools, machinery and implements belonging to said county to be used for working and maintaining said roads and bridges; by providing for the removal of road commissioners and overseers for neglect of duty, drunkenness or incompetency; by providing for the paying of a license tax on wagons and motor trucks used on said roads and bridges for commercial purposes and said license tax to be used in repairing the roads and bridges of said county used or contemplated being used by the party paying said license tax; by requiring automobiles, taxicabs or other motor vehicles transporting passengers for hire on said public roads and bridges to pay a license tax to be used in repairing the roads and bridges of said county used or contemplated being used by the party paying said license tax; by prohibiting wagons and trucks on which a license tax is required to be paid from using said roads and bridges for a period of twelve and fifteen hours after each rain of sufficient quantity to stand in puddles in said roads for a period of thirty minutes after each rain; by requiring the owners of said wagons and trucks to immediately repair damages to said roads when used in a soggy or boggy condition; by requiring the owners of said wagons and trucks to immediately repair all damage done to the bridges on said roads; by making the owners of said wagons and trucks liable for damage done to said bridges; by giving the county or any citizen thereof the right to enjoin said owners of said wagons and trucks from damaging or injuring said roads and bridges; by giving the county court and circuit court jurisdiction of all criminal violations of said Act; by giving the circuit court jurisdiction of civil suits for damages to said roads and bridges; by requiring the circuit judge to give this Act in charge to the grand jury; by providing that violations of this Act shall be commenced in the county or circuit court; by making the sheriff, constables, State law enforcement officers and all road officials of said county to begin prosecution for violations of this Act; by authorizing the county commissioners to supplement the commutation fees in the several precincts of said county from any special road or bridge funds or the gasoline tax fund by paying said supplement to the road commissions in the several precincts to be used by them in repairing and maintaining the roads in their respective precincts; by requiring the road commission through one of its members of the several precincts to report all violations of this Act to the grand jury and to report the condition of said roads of their respective precincts to said grand jury and providing penalties for the violations of this Act.

As amended, was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Long	Sollie
Adams	Gaines	Love	Stewart (Bibb)
Ashcraft (Fayette)	Glover	Melton	Stewart (Calhoun)
Boykin	Grove	Odom	Tiller
Burns	Hall	Parker	Tunstall
Burton	Hatter	Pickens	Tyson
Byars	Hawkins	Posey	Varner
Cato	Henley	Ringer	Verner
Christian	Holcombe	Rives	Walker
Cook	Hornsby	Rountree	Wall
Deloney	Howard	Sanders (Conecuh)	Walton
Dowdle	Hubbard	Sanders (Pike)	Ware
Dunwoody	Jeter	Smith (Clay)	Mrs. Wilkins
Embry	Lee	Smith (Jefferson)	Williams
Fanning	Letson	Smith (Lee)	Young

—60

H. 756. To alter and rearrange the boundaries of the town of Ashford, Houston county, Alabama.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Hodgson	Odom
Adams	Fite	Hornsby	Parker
Adcock	Gaines	Howard	Poole
Allen	Glenn	Howze	Posey
Bealle	Glover	Jeter	Ringer
Blackwell	Goodwyn	Jones	Rives
Boykin	Graves	Lee	Sollie
Burns	Grove	Letson	Tiller
Burton	Guy	Long	Tyson
Byars	Hall	Love	Varner
Cato	Hampton	Luck	Verner
Cook	Hatter	Melton	Wall
Culver	Hawkins	Moorer	Walton
Deloney	Henley	Moxley	Ware
Dowdle	Henson	Nichols	Young

—60

H. 616. To fix the compensation of the clerk of the probate court in all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas :

Messrs:

Adams	Fite	Howze	Poole
Adcock	Forman	Hubbard	Posey
Allen	Gaines	Jeter	Ringer
Bealle	Glenn	Jones	Rives
Blackwell	Glover	Kilborn	Smith (Jefferson)
Bowen, Lewis	Goodwyn	Lee	Sollie
Bowen, L. K.	Graves	Letson	Tiller
Boykin	Grove	Long	Tyson
Burns	Guy	Love	Varnier
Byars	Hall	Luck	Verner
Cato	Henley	Moorer	Walker
Cook	Henson	Moxley	Wall
Deloney	Holcombe	Nichols	Walton
Dowdle	Hornsby	Odom	Ware
Embry	Howard	Parker	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 356. To provide for the appointment of bailiffs in all courts of record in all counties of the State of Alabama having a population of 200,000 or more, according to the last or any subsequent Federal census, and to fix the compensation of such bailiffs and to provide for the payment of such compensation.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas :

Messrs:

Adams	Deloney	Hornsby	Parker
Adcock	Dowdle	Howard	Patterson
Allen	Embry	Howze	Pickens
Arrington	Fanning	Hubbard	Poole
Bealle	Fite	Jeter	Posey
Blackwell	Glenn	Jones	Ringer
Bowen, Lewis	Glover	Lee	Rives
Bowen, L. K.	Graves	Long	Smith (Jefferson)
Boykin	Grove	Love	Tiller
Burns	Guy	Luck	Tyson
Burton	Hall	Moorer	Varnier
Byars	Hawkins	Moxley	Wall
Cato	Henley	Nichols	Walton
Cook	Henson	Norman	Ware
Culver	Hodgson	Odom	Young

—60

H. 721. To authorize the board of revenue of Jefferson county, Alabama, to construct and maintain sanitary trunk sewers into and through the town of Inglenook, Alabama.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Allen	Forman	Howard	Poole
Bealle	Gaines	Howze	Posey
Blackwell	Glenn	Jeter	Ringer
Bowen, Lewis	Glover	Jones	Rives
Bowen, L. K.	Graves	Lee	Smith (Jefferson)
Boykin	Grove	Long	Sollie
Burns	Guy	Love	Tiller
Byars	Hall	Luck	Tyson
Cato	Hatter	Melton	Varner
Cook	Hawkins	Moorer	Verner
Culver	Henley	Moxley	Walker
Deloney	Henson	Nichols	Wall
Embry	Hodgson	Norman	Walton
Fanning	Holcombe	Odom	Ware
Fite	Hornsby	Parker	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 615. To provide for the appointment of a deputy register of the chancery division of the circuit court in all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census and to fix the compensation of said deputy register.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs.

Adams	Fanning	Howze	Posey
Adcock	Fite	Jeter	Ringer
Allen	Forman	Jones	Rives
Bealle	Gaines	Lee	Rountree
Blackwell	Glenn	Letson	Smith (Jefferson)
Bowen, Lewis	Glover	Long	Sollie
Bowen, L. K.	Goodwyn	Love	Tiller
Burns	Graves	Luck	Tyson
Burton	Grove	Moorer	Varner
Byars	Guy	Moxley	Verner
Cato	Hall	Nichols	Walker
Cook	Henley	Norman	Wall
Culver	Henson	Odom	Walton
Deloney	Hodgson	Parker	Ware
Embry	Howard	Poole	Young

—60

And the bill was ordered sent to the Senate without engrossment.

S. 339. To provide and prescribe the manner and method by which changes and alterations in the form of government of cities having a population of 100,000 or more according to the last or any subsequent Federal census may be adopted, and to provide when such change or changes shall become effective.

Was read a third time at length and passed.
Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glenn	Long	Smith (Jefferson)
Arrington	Glover	Love	Sollie
Bealle	Grove	Luck	Stewart (Biob)
Blackwell	Guy	Nichols	Tiller
Bowen, Lewis	Hall	Norman	Tunstall
Bowen, L. K.	Henson	Odom	Tyson
Boykin	Hodgson	Parker	Varner
Burns	Hornsby	Pickens	Verner
Cato	Howard	Poole	Walker
Christian	Howze	Posey	Wall
Cook	Hubbard	Ringer	Walton
Culver	Jeter	Rives	Ware
Deloney	Jones	Rountree	Mrs. Wilkins
Embry	Lee	St. John	Williams
Fite	Letson	Sessions	Young

—60

H. 719. To prevent sheep and goats from running at large in counties ~~having a population of two hundred thousand or more~~ according to the last or any subsequent Federal census.

Was read a third time at length and passed.
Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Hornsby	Posey
Allen	Dunwoody	Howard	Ringer
Bealle	Embry	Howze	Rives
Blackwell	Fanning	Hubbard	Rountree
Bowen, Lewis	Fite	Jeter	Smith (Jefferson)
Bowen, L. K.	Gaines	Jones	Tiller
Boykin	Glenn	Letson	Tunstall
Burns	Glover	Long	Tyson
Burton	Goodwyn	Love	Varner
Byars	Graves	Luck	Verner
Cato	Grove	Moxley	Walker
Cook	Guy	Nichols	Wall
Culver	Hall	Norman	Walton
Deloney	Henley	Pickens	Ware
Dickinson	Henson	Poole	Young

—60

H. 701 (with amendment). To provide for the better building, maintenance and protection of the public roads and bridges and ferries of Limestone county; to provide funds, regulations and penalties to carry the provisions and purposes of this Act into effect; to provide for the appointment of a county engineer and to fix his duties.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Local Legislation, said committee amendment being as follows:

Amend House bill 701, as follows:

Section 1. Strike out "\$1800.00" where it appears in section 1 of said bill and substituting in lieu thereof "\$1500.00" (otherwise section 1 shall not be changed).

Section 3. By striking out all of section 3 of said bill and substituting in lieu thereof the following:

Section 3. That before any work is done in the construction or improvement of any road or bridge, except necessary maintenance work, the engineer shall make such surveys as may be necessary, shall prepare definite plans, specifications and an estimate of the cost of the work and shall submit said plans, specifications and estimates of cost for the approval of the court of county commissioners with a recommendation as to the best method of doing the work. The court of county commissioners shall pass upon said plans, specifications, estimates and when said plans and specifications are approved, the county engineer shall be authorized to proceed with the work by contract or by force account as the court of county commissioners shall direct. If the court of county commissioners determine to do such work by contract, the county engineer shall advertise for bids in a newspaper published in the county, in a daily newspaper of general circulation in the State of Alabama, and by posting a copy of the advertisement at the court house. The said advertisement shall state the general character of the work to be done, the amount of certified check required, and the time and place at which bids will be opened. The court of county commissioners shall require all bids to be sealed and to be accompanied by a certified check which shall bind the bidder to enter into a contract in the event of his being awarded the work. If reasonable bids are received for doing the work, the contract shall be awarded to the lowest responsible bidder, provided that the court of county commissioners may reject all bids or they may reject the bid of any contractor who is inexperienced or incompetent or who is known to have a bad record in the performance of public work.

Section 20. By striking out all of section 20 of said bill and substituting in lieu thereof the following:

Section 20. That all male inhabitants of the county not under twenty-one and not over fifty years of age except those exempted by the following section shall be required to work on the public roads of the county during each year for five days of eight hours each; provided that he may pay in lieu of such personal service the sum of five dollars per year to be paid to the probate judge, the time of payment to be fixed by the court of county commissioners, said money to go into the county road and bridge fund, and shall be used only for the construction and maintenance of roads and bridges in the beat from which such sum or sums is paid.

Section 20½. By adding a section, following section 20 of said bill, and which section is as follows:

Section 20½. All persons in Limestone county are liable to work on the public roads in said county, except the following: All women, and all men under the age of twenty-one and over the age of fifty years; all persons who have lost an arm or a leg; and all persons who by nature of disease, are rendered incapable of hard labor, who shall procure a certificate of such incapacity from the county board of health, are exempt from working on the public roads, but where there is no county board of health in said county, the certificate of such incapacity from two reputable practicing physicians shall be sufficient.

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Forman	Holcombe	Norman
Adams	Gaines	Hornsby	Odom
Adcock	Glenn	Howard	Parker
Allen	Glover	Howze	Poole
Boykin	Goodwyn	Hubbard	Fosey
Burns	Graves	Jeter	Tiller
Burton	Grove	Jones	Tunstall
Byars	Guy	Kilborn	Tyson
Cato	Hall	Lee	Varner
Cook	Hampton	Letson	Verner
Culver	Hatter	Long	Walker
Deloney	Hawkins	Love	Wall
Embry	Henley	Luck	Walton
Fanning	Henson	Moxley	Ware
Fite	Hodgson	Nichols	Young

—60

And the bill:

H. 701. To provide for the better building, maintenance and protection of the public roads and bridges and ferries of Limestone county; to provide funds, regulations and penalties to carry the provisions and purposes of this Act into effect; to provide for the appointment of a county engineer and to fix his duties.

As amended, was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Glenn	Henson
Adams	Dunwoody	Glover	Hodgson
Bealle	Embry	Graves	Holcombe
Boykin	Fanning	Grove	Hornsby
Burns	Fite	Guy	Jeter
Burton	Forman	Hall	Jones
Byars	Gaines	Henley	Kilborn

Kilpatrick	Moxley	Posey	Tyson
Lee	Nichols	Ringer	Varner
Letson	Norman	Rives	Verner
Long	Odom	Smith (Jefferson)	Wall
Love	Parker	Smith (Lee)	Walton
Luck	Patterson	Sollie	Ware
McDaniel	Pickens	Tiller	Williams
Moorer	Poole	Tunstall	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 831. To amend section 1 of an Act entitled An Act to provide for the appointment of deputy registers and deputy clerks for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputies—approved October 1, 1920.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Howard	Odom
Adams	Fite	Howze	Pickens
Adcock	Forman	Hubbard	Poole
Allen	Gaines	Jeter	Posey
Bealle	Glenn	Jones	Ringer
Blackwell	Glover	Kilborn	Rives
Boykin	Goodwyn	Kilpatrick	Tiller
Burns	Graves	Lee	Tyson
Burton	Grove	Letson	Varner
Byars	Guy	Long	Verner
Cato	Hall	Love	Walker
Cook	Henley	Luck	Wall
Culver	Henson	Moorer	Walton
Deloney	Holcombe	Moxley	Ware
Embry	Hornsby	Nichols	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 724. "To provide for the issuance of subpoenas and attendance of witnesses in criminal cases, from time to time, and as often as any case is set for trial, in all judicial circuits in the State having more than two and less than five circuit judges."

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Allen	Boykin	Byars	Culver
Bealle	Burns	Cato	Deloney
Blackwell	Burton	Cook	Embry

Fanning	Hodgson	Luck	Smith (Clay)
Fite	Holcombe	Moorer	Sollie
Forman	Hornsby	Moxley	Tiller
Gaines	Howard	Nichols	Tunstall
Glenn	Howze	Norman	Tyson
Glover	Jeter	Odom	Varner
Graves	Jones	Parker	Verner
Grove	Kilborn	Poole	Walker
Guy	Lee	Posey	Wall
Hall	Letson	Ringer	Walton
Henley	Long	Rives	Ware
Henson	Love	Sessions	Young

—60

And the bill was ordered sent to the Senate without engrossment.

S. 252. To amend an Act entitled "An Act to regulate public schools in the county of Mobile," approved February 15, 1876 by amending section 7 thereof so as to relieve the county superintendent of education from the duty of collecting, receiving and disbursing the revenue of the board of school commissioners of Mobile county; and by adding another section to empower and require the said board to elect a treasurer of the board of school commissioners of Mobile county and to fix his term of office and salary, the said section to prescribe his duties and to require him to execute a bond for the faithful performance of his duties.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Holcombe	Odom
Adams	Fite	Howard	Parker
Adcock	Forman	Howze	Poole
Allen	Gaines	Hubbard	Posey
Bealle	Glenn	Jeter	Ringer
Boykin	Glover	Jones	Rives
Burns	Goodwyn	Kilborn	Sessions
Burton	Graves	Kilpatrick	Sollie
Byars	Grove	Lee	Tiller
Cook	Guy	Letson	Tyson
Culver	Hall	Long	Varner
Deloney	Hampton	Love	Verner
Dowdle	Henley	Luck	Wall
Dunwoody	Henson	Nichols	Walton
Embry	Hodgson	Norman	Ware

—60

H. 726. To provide for the election of a county superintendent of education for Monroe county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for the election of his successor in office.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Allen	Fite	Jeter	Ringer
Arrington	Forman	Jones	Rives
Bealle	Gaines	Lee	Rountree
Blackwell	Glenn	Letson	Tiller
Boykin	Glover	Long	Tunstall
Burns	Goodwyn	Love	Tyson
Burton	Graves	Luck	Varner
Byars	Grove	Moorer	Verner
Calloway	Guy	Moxley	Walker
Cato	Hall	Nichols	Wall
Cook	Hawkins	Normar	Walton
Culver	Henley	Odom	Ware
Deloney	Henson	Parker	Mrs. Wilkins
Embry	Howze	Poole	Williams
Fanning	Hubbard	Posey	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 846. To authorize the board of revenue of Montgomery county, Alabama, to appropriate the sum of five hundred and fifty and 56/100 (\$550.56) dollars for the relief of Mrs. Eugenia Prescott for funeral expenses of J. W. Prescott, who was killed while aiding officers of the law in attempting to make an arrest.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Howze	Sollie
Adams	Fite	Jeter	Stewart (Bibb)
Adcock	Forman	Jones	Stewart (Calhoun)
Allen	Gaines	Lee	Tiller
Arrington	Glenn	Letson	Tunstall
Bealle	Glover	Long	Tyson
Boykin	Goodwyn	Love	Varner
Burns	Graves	Luck	Verner
Burton	Grove	Moxley	Walker
Byars	Guy	Nichols	Wall
Calloway	Hall	Norman	Walton
Cato	Henley	Odom	Ware
Cook	Henson	Farker	Mrs. Wilkins
Culver	Hornsby	Posey	Williams
Embry	Howard	Ringer	Young

—60

H. 813. To authorize and empower the sheriff of all counties of the State of Alabama which now have a population of 75,000 and not more than 95,000 population according to the last Federal census or any subsequent Federal census, to employ an attorney to advise and represent him in his official capacity, and to fix the

compensation of such attorney and the manner of the payment thereof.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Allen	Forman	Long	Rountree
Bealle	Gaines	Love	St. John
Boykin	Glenn	Luck	Sessions
Burns	Glover	Moorer	Sollie
Burton	Goodwyn	Moxley	Tiller
Calloway	Graves	Nichols	Tunstall
Cook	Grove	Norman	Tyson
Culver	Guy	Odom	Varner
Deloney	Hall	Parker	Verner
Dickinson	Henley	Patterson	Walker
Dowdle	Henson	Pickens	Wall
Dunwoody	Howard	Poole	Walton
Embry	Howze	Posey	Ware
Fanning	Lee	Ringer	Williams
Fite	Letson	Rives	Young

—60

S. 296. To amend an Act to establish a county court for Morgan county; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; and to provide for the transfer of certain causes now or hereafter pending in the circuit court of Morgan county, Alabama, to the Morgan county court. Approved September 24, 1919.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Gaines	Howze	Ringer
Adams	Glenn	Hubbard	Rives
Adcock	Glover	Jeter	Rountree
Allen	Goodwyn	Jones	Tiller
Bealle	Graves	Kilborn	Tunstall
Boykin	Grove	Letson	Tyson
Burns	Guy	Long	Varner
Burton	Hall	Love	Verner
Byars	Hampton	Moorer	Walker
Cook	Hatter	Moxley	Wall
Culver	Hawkins	Nichols	Walton
Embry	Henley	Patterson	Ware
Fanning	Henson	Pickens	Mrs. Wilkins
Fite	Hodgson	Poole	Williams
Forman	Holcombe	Posey	Young

—60

S. 355. To amend section 1 of an Act entitled: "An Act to establish a new charter for the town of Hartselle, in Morgan county," approved February 18th, 1899, and as amended by an Act approved August 2nd, 1907.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Allen	Fanning	Henson	Patterson
Bealle	Fite	Howze	Posey
Bowen, Lewis	Forman	Hubbard	Rountree
Bowen, L. K.	Gaines	Jeter	St. John
Boykin	Glenn	Jones	Sessions
Burns	Glover	Letson	Sollie
Burton	Goodwyn	Long	Tiller
Byars	Graves	Love	Tunstall
Calloway	Grove	Luck	Tyson
Cato	Guy	Melton	Wall
Christian	Hall	Moxley	Walton
Cook	Hampton	Nichols	Ware
Culver	Hatter	Norman	Mrs. Wilkins
Deloney	Hawkins	Odom	Williams
Embry	Henley	Parker	Young

—60

H. 763. To authorize the court of county commissioners of Pickens county, Alabama, to make appropriations to the county board of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational instruction.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Hodgson	Pickens
Adams	Embry	Hornsby	Poole
Adcock	Fanning	Howze	Posey
Allen	Fite	Jeter	Ringer
Arrington	Forman	Jones	Rives
Bealle	Gaines	Lee	Sollie
Boykin	Glenn	Letson	Tiller
Burns	Glover	Long	Tunstall
Burton	Goodwyn	Love	Tyson
Byars	Graves	Luck	Varner
Cato	Grove	Melton	Walker
Christian	Guy	Moorer	Wall
Cook	Hall	Moxley	Walton
Culver	Henley	Nichols	Ware
Deloney	Henson	Odom	Young

—60

H. 834. To alter and fix the boundary lines of the city of Roanoke, Alabama.

Was taken up. Mr. Ware offered the following substitute for the bill:

Substitute for H. 834:

A BILL

To be entitled An Act to provide for the alteration and fixing of the boundary line of the city of Roanoke, Alabama; to provide an election for ascertaining whether or not the qualified electors residing within the proposed corporate limits favor such changes.

Be it enacted by the Legislature of Alabama:

Section 1. That on the first Tuesday in November, there shall be held an election for the purpose of determining whether or not the qualified voters residing within the proposed city limits as hereafter described favor the adoption of such limits as the boundary lines of the city of Roanoke.

Section 2. At the election provided by section 1 of this Act all qualified electors shall be permitted to vote who reside within the following described limits, to-wit:

Beginning at the southeast corner of the southeast fourth of the southwest fourth, thence north to the southwest corner of the northwest fourth of the southeast fourth, thence east to the southeast corner of the northwest fourth of the southeast fourth, of section thirty-six (36); thence north to the northeast corner of the southwest fourth of the southeast fourth, thence west to the southeast corner of the northeast fourth, of the southwest fourth, thence north to the northeast corner of the southeast fourth of the northwest fourth, thence west to the northwest corner of the southeast fourth of the northwest fourth, thence north to the northeast corner of the northwest fourth of the northwest fourth, section twenty-five (25); thence west to the northeast corner of the northwest fourth of the northeast fourth, section twenty-six (26); thence north to the northeast corner of the southwest fourth of the southeast fourth, section twenty-three (23); thence west to the northwest corner of the southeast fourth of the southeast fourth, thence south to the southeast corner of the southwest fourth of the southeast fourth; thence west to the southwest corner of the southeast fourth of the southwest fourth, section twenty-two (22); thence south to the northwest corner of the southeast fourth of the northwest fourth, thence west to the northwest corner of the southwest fourth of the northwest fourth, thence south to the northwest corner of the southwest fourth, of the southwest fourth, section twenty-seven (27); thence west to the southeast corner of the northwest fourth of the southeast fourth, section twenty-eight (28); thence south to the southwest corner of the northeast fourth of the southeast fourth, thence east to the southeast cor-

ner of the northeast fourth of the southeast fourth, thence south to the southeast corner of the southeast fourth, of the southeast fourth, section thirty-three (33); all of the aforesaid land being in township twenty-one (21) south, range twelve (12) east, Randolph county, Alabama; thence south to the southwest corner of the northwest fourth of the northwest fourth, thence east to the northwest corner of the southeast fourth of the northwest fourth, thence south to the southwest corner of the southeast fourth of the northwest fourth, thence east to the southeast corner of the southwest fourth of the northeast fourth, thence south to the southwest corner of the northeast fourth of the southeast fourth, section three (3); thence east to the southeast corner of the northwest fourth of the southeast fourth, thence north to the northeast corner of the northwest fourth of the southeast fourth, section two (2); thence east to the southeast corner of the southwest fourth of the northwest fourth, thence north to the northeast corner of the southwest fourth of the northwest fourth, thence east to the southeast corner of the northeast fourth of the northwest fourth, thence north to the northeast corner of the northeast fourth of the northwest fourth, the beginning point, section one (1), township twenty-two, range twelve (12) east.

Section 3. That the city council of the city of Roanoke, Alabama, shall provide for the holding of said election and do all things necessary to holding said election according to the laws governing elections; that upon said ballot shall be printed the proposed boundary line of the city limits described in section 2 of this Act and under said description shall be printed the words "Do you favor extending the city limits of Roanoke as above described?" and thereunder shall be printed the word "Yes" and the word "No." Persons favoring such extension shall make a cross mark in front of the word "Yes" and those opposing such extension shall make a cross mark in front of the word "No."

Section 4. In the event a majority of the qualified voters voting at such election vote in favor of the proposed extension of the city limits, then said limits shall be fixed as described in section 2 of this Act. In the event a majority of the qualified electors voting at such election vote against such proposed extension of the city limits, then the said city limits shall remain as now fixed by law.

And the substitute was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker
Adams
Allen

Arrington
Bealle
Blackwell

Boykin
Burns
Burton

Byars
Cato
Cook

Culver	Hall	Love	Rountree
Deloney	Hatter	Luck	St. John
Dickinson	Henley	Melton	Sessions
Dowdle	Henson	Moorer	Sollie
Dunwoody	Hornsby	Moxley	Tiller
Fanning	Howard	Nichols	Tunstall
Fite	Howze	Odom	Tyson
Gaines	Jeter	Parker	Verner
Goodwyn	Jones	Pickens	Walker
Graves	Lee	Poole	Ware
Grove	Letson	Posey	Williams
Guy	Long	Rives	Young

—60

And the bill:

H. 834. To alter and fix the boundary lines of the city of Roanoke, Alabama.

As amended by the substitute offered by Mr. Ware, was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Howze	Poole
Adams	Dowdle	Jeter	Posey
Adcock	Embry	Jones	Ringer
Allen	Fite	Kilpatrick	Rives
Arrington	Glenn	Lee	Rountree
Bealle	Glover	Letson	Sessions
Blackwell	Graves	Long	Sollie
Boykin	Grove	Love	Tiller
Burns	Guy	Luck	Tyson
Burton	Hall	Melton	Verner
Byars	Hatter	Moorer	Walker
Cato	Hawkins	Nichols	Wall
Christian	Henley	Odom	Ware
Cook	Henson	Parker	Williams
Culver	Hodgson	Pickens	Young

—60

H. 682. To make it lawful for any person, or persons, to use fish traps with fingers or slats not less than one inch apart for the purpose of taking or catching fish in that part of the Coosa river that lies within St. Clair county, Alabama, and to further regulate the operation of such traps.

Was taken up. Mr. Embry offered the following amendment to the bill:

Amend the title to H. 682 by adding immediately after the word "one" in line two and before the word "inch" in line two of the title the following words "and one-half."

And the amendment offered by Mr. Embry was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Henley	Moorer
Adams	Dickinson	Henson	Odom
Adcock	Dowdle	Hodgson	Parker
Allen	Dunwoody	Hornsby	Pickens
Arrington	Embry	Howze	Poole
Bealle	Fanning	Hubbard	Posey
Blackwell	Fite	Jeter	Rives
Boykin	Glenn	Jones	Sessions
Burns	Glover	Kilborn	Sollie
Burton	Goodwyn	Lee	Tiller
Byars	Graves	Letson	Tyson
Cato	Grove	Long	Verner
Christian	Guy	Love	Wall
Cook	Hall	Luck	Walton
Culver	Hatter	Melton	Ware

—60

And the bill:

H. 682. To make it lawful for any person, or persons, to use fish traps with fingers or slats not less than one inch apart for the purpose of taking or catching fish in that part of the Coosa river that lies within St. Clair county, Alabama, and to further regulate the operation of such traps.

As amended, was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Hatter	Pickens
Adams	Dowdle	Henson	Poole
Adcock	Dunwoody	Howard	Posey
Allen	Embry	Howze	Ringer
Arrington	Fanning	Jeter	Rives
Bealle	Fite	Jones	Rountree
Blackwell	Forman	Lee	St. John
Boykin	Gaines	Letson	Sessions
Burns	Glenn	Long	Sollie
Burton	Glover	Love	Tiller
Byars	Goodwyn	Luck	Tyson
Cato	Graves	Melton	Wall
Cook	Grove	Moorer	Ware
Culver	Guy	Odom	Williams
Deloney	Hall	Parker	Young

—60

H. 804. For the relief of the county officers in Walker county, Alabama, and to provide for the filing and allowance of claims against the fine and forfeiture fund of said county for fees or other compensation for services rendered during the ten years immediately preceding January 1st, 1923."

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Henson	Poole
Adams	Dowdle	Howard	Posey
Adcock	Dunwoody	Howze	Ringer
Allen	Embry	Jeter	Rountree
Arrington	Fanning	Jones	St. John
Bealle	Fite	Lee	Sessions
Blackwell	Forman	Letson	Sollie
Boykin	Gaines	Love	Tiller
Burns	Glenn	Luck	Tyson
Burton	Glover	Melton	Varner
Byars	Graves	Moorer	Wall
Cato	Guy	Moxley	Walton
Christian	Hall	Odom	Ware
Cook	Hatter	Parker	Williams
Culver	Henley	Pickens	Young

—60

H. 595. To provide that in Walker county, the assessment lists or sheets shall constitute the book of assessments as required by the General Revenue Law.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Henson	Poole
Adams	Fanning	Howard	Posey
Adcock	Fite	Howze	Ringer
Allen	Forman	Jeter	Rives
Arrington	Gaines	Jones	Rountree
Bealle	Glenn	Lee	Sessions
Blackwell	Glover	Letson	Smith (Lee)
Boykin	Goodwyn	Love	Sollie
Burns	Graves	Luck	Tiller
Burton	Grove	Melton	Tyson
Byars	Guy	Moorer	Varner
Cato	Hall	Moxley	Verner
Christian	Hatter	Odom	Wall
Cook	Hawkins	Parker	Walton
Deloney	Henley	Pickens	Wyatt

—60

H. 792. To prevent live stock from running at large in Blount county, Alabama.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Boykin	Christian	Fite
Adams	Burns	Cook	Forman
Adcock	Burton	Culver	Gaines
Allen	Byars	Embry	Glenn
Bealle	Cato	Fanning	Glover

Graves	Jones	Norman	Tiller
Guy	Lee	Odom	Tunstall
Hall	Letson	Poole	Tyson
Hatter	Long	Posey	Varner
Henley	Love	Ringer	Verner
Henson	Luck	Rives	Walker
Hornsby	Melton	Rountree	Wall
Howard	Moorer	St. John	Ware
Howze	Moxley	Sessions	Williams
Jeter	Nichols	Sollie	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 794. To amend Sec. 12 of the Blount County Road Law, which is an Act entitled "An Act to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Blount county, Alabama; to define the duties and powers of the court of county commissioners with regard to same, and to fix penalties for the violation of the rules, regulations and laws of the court of county commissioners," and approved February 18, 1919.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:			
Mr. Speaker	Dowdle	Hornsby	Parker
Adams	Embry	Howard	Pickens
Adcock	Fanning	Howze	Poole
Allen	Fite	Jeter	Posey
Arrington	Gaines	Jones	Ringer
Bealle	Glenn	Kilborn	Rives
Blackwell	Glover	Lee	Sessions
Boykin	Goodwyn	Letson	Sollie
Burns	Grove	Long	Tiller
Burton	Guy	Luck	Tyson
Byars	Hall	Melton	Varner
Cato	Hatter	Moorer	Wall
Cook	Henley	Moxley	Ware
Culver	Henson	Nichols	Williams
Deloney	Hodgson	Odom	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 795. To provide for the election of a county treasurer for Blount county, Alabama, to fix the time of election, to name the maximum salary per year, to fix term of office.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Hawkins	Poole
Adams	Dickinson	Henley	Posey
Adcock	Dowdle	Hodgson	Ringer
Allen	Dunwoody	Hornsby	Rountree
Bealle	Embry	Howze	St. John
Blackwell	Fanning	Jeter	Sessions
Boykin	Fite	Lee	Sollie
Burns	Gaines	Letson	Stewart (Calhoun)
Burton	Glenn	Long	Tiller
Byars	Glover	Love	Tyson
Calloway	Goodwyn	Luck	Verner
Cato	Graves	Melton	Wall
Christian	Grove	Moxley	Ware
Cook	Guy	Odom	Williams
Culver	Hall	Parker	Wyatt

—60

And the bill was ordered sent to the Senate without engrossment.

H. 703. To fix the salaries and to provide for the payment thereof of the judges of all judicial circuits in the State of Alabama where the district is composed of only one county and has only one judge.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Hornsby	Parker
Adams	Fanning	Howard	Pickens
Adcock	Fite	Howze	Poole
Allen	Forman	Jeter	Ringer
Bealle	Gaines	Jones	Rives
Blackwell	Glenn	Lee	St. John
Boykin	Glover	Letson	Sessions
Burns	Goodwyn	Long	Sollie
Burton	Guy	Love	Tiller
Byars	Hall	Luck	Tunstall
Cato	Hatter	Melton	Tyson
Christian	Henley	Moorer	Verner
Cook	Henson	Moxley	Wall
Culver	Hodgson	Nichols	Ware
Deloney	Holcombe	Odom	Young

—60

H. 384. To permit municipalities, municipal corporations, and governing authorities of municipal corporations, in cases involving violations of municipal ordinances to assess as costs of court not exceeding three dollars in each case, and to provide how the costs shall be used, upon its collection.

Was taken up. Mr. Grove offered the following amendment to the bill:

Amend House bill 384 by amending the caption thereof by adding after the word "municipalities" where it appears in the first line of said caption, the following: "having a population of not less than 25,000 and not more than 150,000 according to the last or any subsequent Federal census."

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Holcombe	Poole
Adams	Embry	Howard	Posey
Adcock	Fanning	Howze	Ringer
Allen	Fite	Jeter	Rives
Arrington	Forman	Jones	St. John
Bealle	Gaines	Kilborn	Sessions
Blackwell	Glenn	Lee	Sollie
Boykin	Glover	Long	Tiller
Burns	Graves	Love	Tunstall
Burton	Grove	Luck	Tyson
Byars	Guy	Melton	Varner
Calloway	Hall	Moorer	Verner
Cato	Hatter	Moxley	Wall
Cook	Henley	Odom	Walton
Culver	Henson	Parker	Wyatt

—60

Mr. Grove offered the following amendment to the bill:

Amend House bill 384 by striking therefrom the words "three dollars" where they appear in said bill and inserting in lieu thereof the words "four dollars."

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Howard	Ringer
Adams	Dowdle	Howze	Rives
Adcock	Embry	Jeter	Rountree
Allen	Fite	Jones	St. John
Arrington	Gaines	Kilborn	Sessions
Bealle	Glenn	Lee	Sollie
Blackwell	Glover	Love	Tiller
Boykin	Grove	Luck	Tunstall
Burns	Guy	Melton	Tyson
Burton	Hall	Moorer	Varner
Byars	Hatter	Nichols	Wall
Cato	Henley	Odom	Walton
Christian	Henson	Parker	Ware
Cook	Holcombe	Poole	Williams
Culver	Hornsby	Posey	Young

—60

Mr. Grove offered the following amendment to the bill:

Amend House bill 384 by adding thereto the following: "Provided, that this Act shall not apply to cities and towns having a population less than 25,000 or more than 150,000 according to the last or any subsequent Federal census.

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Howze	Parker
Adams	Fanning	Jeter	Poole
Adcock	Fite	Jones	Posey
Allen	Glenn	Kilborn	Ringer
Arrington	Glover	Kilpatrick	Rives
Bealle	Goodwyn	Lee	Rountree
Blackwell	Grove	Letson	St. John
Boykin	Guy	Long	Sessions
Burns	Hall	Love	Sollie
Burton	Hatter	Luck	Tiller
Byars	Henley	Melton	Tyson
Cato	Henson	Moorer	Varner
Cook	Holcombe	Moxley	Wall
Culver	Hornsby	Nichols	Walton
Deloney	Howard	Odom	Ware

—60

And the bill:

H. 384. To permit municipalities, municipal corporations, and governing authorities of municipal corporations, in cases involving violations of municipal ordinances to assess as costs of court not exceeding three dollars in each case, and to provide how the costs shall be used, upon its collection.

As amended, was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Howze	Ringer
Adams	Fite	Jeter	Rives
Adcock	Forman	Kilborn	St. John
Allen	Gaines	Lee	Sessions
Arrington	Glenn	Long	Sollie
Bealle	Glover	Love	Tiller
Blackwell	Grove	Luck	Tyson
Boykin	Guy	Melton	Varner
Burns	Hall	Moorer	Verner
Burton	Hatter	Moxley	Walker
Byars	Henley	Nichols	Wall
Cato	Henson	Odom	Walton
Cook	Holcombe	Parker	Ware
Culver	Hornsby	Pickens	Williams
Deloney	Howard	Poole	Young

—60

ADJOURNMENT.

On motion of Mr. Tunstall, the House adjourned until Thursday, Sept. 6th, at 10 A. M., in accordance with a joint resolution heretofore adopted.

FORTY-FIRST DAY.

House of Representatives,
Thursday, September 6th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Richard Wilkerson of the city.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:			
Mr. Speaker	Embry	Jeter	Rives
Adams	Fanning	Jones	Rountree
Adcock	Ferrell	Kilborn	St. John
Allen	Fite	Kilpatrick	Sanders (Conecuh)
Arrington	Forman	Lee	Sanders (Pike)
Ashcraft (Fayette)	Gaines	LeMaistre	Sessions
Ashcraft (Lauderd'l)	Glenn	Letson	Smith (Clay)
Bealle	Glover	Long	Smith (Jefferson)
Blackwell	Goode	Love	Smith (Lee)
Bowen, Lewis	Goodwyn	Luck	Snodgrass
Bowen, L. K.	Graves	McDaniel	Sollie
Boykin	Grove	McGowen	Stewart (Bibb)
Burns	Guy	Melton	Stewart (Calhoun)
Burton	Hall	Mooneyham	Tiller
Byars	Hampton	Moorer	Tunstall
Calloway	Hatter	Moxley	Tyson
Cato	Hawkins	Nichols	Varner
Christian	Henley	Norman	Verner
Coleman	Henson	Odum	Walker
Cook	Hodgson	Parker	Wall
Culver	Holcombe	Patterson	Walton
Deloney	Hornsby	Pickens	Ware
Dickinson	Howard	Poole	Mrs. Wilkins
Dowdle	Howze	Posey	Williams
Dunwoody	Hubbard	Ringer	Young

A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker :

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Fortieth Legislative Day, and finds same correct.

O. W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Fortieth Legislative Day was approved.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker :

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

H. 582. To protect the title of motor vehicles within this State; to provide for the issuance of certificates of title and evidence of registration thereof; to regulate purchase and sale or other transfer of ownership; to facilitate the recovery of motor vehicles stolen or otherwise unlawfully taken; to provide for the regulation and licensing of certain dealers in used and second-hand vehicles as herein defined; to provide for sale of vehicle with engine number altered or changed; to prescribe the powers and duties of the State Tax Commission and probate judges hereunder; and to provide penalties for violation of the provisions hereof.

Also:

H. 707. For the relief of A. H. Shepperd, Register of the Circuit Court of Calhoun County, to pay him the sum of \$305.85 due him by the State of Alabama, for services rendered by him as such register in the case of the State of Alabama against Alabama Land & Mineral Co., et al., in the Circuit Court of said County.

Also:

H. 691. To amend section 8 of an Act entitled "An Act to create the office of county solicitor for Crenshaw county, Alabama, to prescribe his qualifications and duties; to provide for his election by the qualified electors of the county; to provide for the filling of vacancies in said office; to fix his salary and prescribe the length of term of his office and to repeal conflicting laws."

Also:

H. 756. To alter and rearrange the boundaries of the town of Ashford, Houston county, Alabama.

Also:

H. 356. To provide for the appointment of bailiffs in all courts of record in all counties of the State of Alabama having a population of 200,000 or more, according to the last or any subsequent Federal census, and to fix the compensation of such bailiffs and to provide for the payment of such compensation.

Also:

H. 719. To prevent sheep and goats from running at large in counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

Also:

H. 955. To provide that in Walker county, the assessment lists or sheets shall constitute the book of assessments as required by the General Revenue Law.

Also:

H. 846. To authorize the Board of Revenue of Montgomery County, Alabama, to appropriate the sum of five hundred and fifty and 56/100 (\$550.56) dollars for the relief of Mrs. Eugenia Prescott for funeral expenses of J. W. Prescott, who was killed while aiding officers of the law in attempting to make an arrest.

Also:

H. 834. To provide for the alteration and fixing of the boundary line of the City of Roanoke, Alabama; to provide an election for ascertaining whether or not the qualified electors residing within the proposed corporate limits favor such changes.

Also:

H. 813. To authorize and empower the Sheriff of all Counties of the State of Alabama which now have a population of 75,000 and not more than 95,000 population according to the last Federal census or any subsequent Federal census, to employ an attorney to advise and represent him in his official capacity, and to fix the compensation of such attorney and the manner of the payment thereof.

Also:

H. 763. To authorize the court of county commissioners of Pickens county, Alabama, to make appropriations to the county boards of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational instruction.

Also:

H. 804. For the relief of the county officers in Walker county, Alabama, and to provide for the filing and allowance of claims against the fine and forfeiture fund of said county for fees or other compensation for services rendered during the ten years immediately preceding January 1st, 1923."

Also:

H. 703. To fix the salaries and to provide for the payment thereof of the judges of all judicial circuits in the State of Alabama where the district is composed of only one county and has only one judge.

Also:

H. 510. To amend "An Act to regulate inferior courts in cities having more than thirty-five thousand population according to the last Federal census, or any subsequent Federal census, to prescribe the jurisdiction of such courts and provide for the number and compensation of the judges for said courts, and to provide for the appointment and compensation of the clerks, assistant clerks, bailiffs and other officers thereof, and to abolish the office of the Justice of the Peace in said cities.

Also:

H. 716. To provide a system for the construction and maintenance of public roads and bridges for the County of Fayette, Alabama. By creating a Road Commission in the several precincts of said county; by appointing overseers in the several precincts by said Road Commission; by requiring the members of said Road Commission to take the oath of office; by requiring the Treasurer of said Road Commission to give bond; by requiring all male citizens between the ages of eighteen and forty-five years to work on the public roads and bridges eight days each year or pay a commutation fee in lieu of work of \$8.00 per annum; by requiring the Road Commissioners and overseers to serve as such Road Commissioners and overseers when within road age; by prescribing the method of securing exemption from road duty; by providing for the collection of said commutation fees by the Treasurer of the several Road Commissions; by directing how said commutation fee shall be expended by said Road Commission; by requiring the Road Commission in the several precincts to make reports to the County Commissioners as to how said commutation fees have been expended; by providing a method for warning hands to work on said roads and bridges; by providing a method for excusing defaulters from working said roads and bridges; by providing for the making and painting of mile posts and direction signs to be paid for by the County Commissioners out of any special road funds; by providing the duties of County Commissioners, Road Commissioners and overseers with reference to said roads and bridges; by providing for the keeping and repairing of road tools, machinery and implements belonging to said county to be used for working and maintaining said roads and bridges; by providing for the removal of Road Commissioners and overseers for neglect of duty, drunkenness or incompetency; by providing for the paying of a license tax on wagons and motor trucks used on said

roads and bridges for commercial purposes and said license tax to be used in repairing the roads and bridges of said county used or contemplated being used by the party paying said license tax; by requiring automobiles, taxicabs or other motor vehicles transporting passengers for hire on said public roads and bridges to pay a license tax to be used in repairing the roads and bridges of said county used or contemplated being used by the party paying said license tax; by prohibiting wagons and trucks on which a license tax is required to be paid from using said roads and bridges for a period of twelve and fifteen hours after each rain of sufficient quantity to stand in puddles in said roads for a period of thirty minutes after each rain; by requiring the owners of said wagons and trucks to immediately repair damages to said roads when used in a soggy or boggy condition; by requiring the owners of said wagons and trucks to immediately repair all damage done to the bridges on said roads; by making the owners of said wagons and trucks liable for damage done to said bridges; by giving the county or any citizen thereof the right to enjoin said owners of said wagons and trucks from damaging or injuring said roads and bridges; by giving the County Court and Circuit Court jurisdiction of all criminal violations of said Act; by giving the Circuit Court jurisdiction of civil suits for damages to said roads and bridges; by requiring the Circuit Judge to give this Act in charge to the Grand Jury; by providing that violations of this Act shall be commenced in the County or Circuit Court; by making the sheriff, constables, state law enforcement officers and all road officials of said County to begin prosecution for violations of this Act; by authorizing the County Commissioners to supplement the commutation fees in the several precincts of said County from any special road or bridge funds or the gasoline tax fund by paying said supplement to the Road Commissions in the several precincts to be used by them in repairing and maintaining the roads in their respective precincts; by requiring the Road Commission through one of its members of the several precincts to report all violations of this Act to the Grand Jury and to report the condition of said roads of their respective precincts to said Grand Jury and providing penalties for the violations of this Act.

Also:

H. 682. To make it lawful for any person, or persons, to use fish traps with fingers or slats not less than one and one-half inches apart for the purpose of taking or catching fish in that part of the Coosa River that lies within St. Clair County, Alabama, and to further regulate the operation of such traps.

Also:

H. 384. To permit municipalities, having a population of not less than 25,000 and not more than 150,000 according to the

last or any subsequent Federal Census, municipal corporations, and governing authorities of municipal corporations, in cases involving violations of municipal ordinances to assess as costs of court not exceeding four dollars in each case, and to provide how the costs shall be used upon its collection.

Lee Glenn,
Chairman.

The report of the Committee on Engrossed Bills was concurred in and adopted.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Glover:

H. R. 174. Relative to making S. B. 309 a Special Order.

The resolution was referred to the Committee on Rules.

By Mr. Glover:

H. R. 175. Relative to make H. B. 785 a Special Order.

The resolution was referred to the Rules Committee.

By Mr. Rives:

H. R. 176. Whereas, it has been discovered that H. B. No. 591, same being a local bill affecting Birmingham, Ala., contains provisions not known at the time of the passage of said bill, and

Whereas, the said provisions are such that had they been known at the time of the passage of said bill, the members of the Jefferson county delegation would not have supported said bill;

Therefore, be it resolved by the House that said bill be and the same is hereby recalled from the Senate for further consideration by this body.

(Signed) Jno. R. T. Rives,
Mark L. Jeter,
R. E. Smith,
L. K. Bowen,
Lewis Bowen,
Fred Fite.

Mr. Rives moved that the rules be suspended and the resolution placed on immediate passage. The motion to suspend the rules was lost and the resolution was referred to the Committee on Rules.

By Mr. Walker:

H. R. 177. Relative to making H. B. 796 a Special Order for 42nd Legislative Day.

The resolution was referred to the Committee on Rules.

By Mr. Goodwyn:

H. R. 178. Resolved, That the House meet each day at 9:30 A. M., continue in session till one o'clock, recess till three

o'clock, then continue in session till 5:30 P. M. Meet again at 8 P. M. and continue in session till 10 o'clock P. M.

On motion of Mr. Goodwyn the rules were suspended and the resolution was adopted.

By Mr. St. John:

H. R. 179. Relative to making S. B. 187 a Special Order for 42nd Legislative Day.

The resolution was referred to the Committee on Rules.

By Mr. Burton:

H. R. 180. Relative to making H. B. 287 a Special Order for 43rd Legislative Day.

The resolution was referred to the Committee on Rules.

By Rules Committee:

H. R. 181. Making H. B. 789 a Special Order for 42nd Legislative Day.

The rules were suspended and the resolution was adopted.

By Rules Committee:

H. R. 182. Making H. B. 838 and S. B. 172 Special Order for 41st Legislature Day and take precedence over all other Special Orders. And making H. B. 611, S. B. 330, H. 613, H. 379, Special Orders for 41st Legislative Day and making S. 304, S. 305 and S. 306 Special Orders for 44th Legislative Day.

The rules were suspended and the resolution was adopted.

By Mr. Jones:

H. R. 183. Relative to making S. B. 231 a Special Order for 42nd Legislative Day.

The resolution was referred to Committee on Rules.

By Mr. Odom:

H. R. 184. Relative to making H. B. 617 a Special Order for 42nd Legislative Day.

The resolution was referred to the Committee on Rules.

HOUSE JOINT RESOLUTION.

By Mr. Hatter:

H. J. R. 185 For the observance of the 14th day of December of each year as "Alabama Day."

Whereas, our glorious State of Alabama and her rich, unparelled and inexhaustible resources of wealth are now attracting National if not World-wide attention and interest, and

Whereas, it is the part of wisdom and prudence that our young, as well as our adult population should be kept keenly alive and well informed in regard to these marvelous resources as well as to the past glories and achievements of our Commonwealth and her citizens.

Therefore, Be it Resolved that the Governor of Alabama shall each and every year hereafter issue on December 1st or on some

other suitable day, and official and executive proclamation for a State-wide and patriotic observance of the 14th day of December as "Alabama Day;" Provided, it shall not be a legal holiday.

And on motion of Mr. Hatter the rules were suspended and the resolution was adopted.

REPORT OF RULES COMMITTEE.

Mr. Tunstall, Acting Chairman of the Committee on Rules, returned to the House the following resolutions with a favorable report:

H. R. 146. Making S. B. 36 Special Order for 41st Legislative Day.

H. R. 150. Making H. B. 498 Special Order for 41st Legislative Day.

H. R. 151. Making S. B. 397 Special Order for 42nd Legislative Day.

H. R. 152. Making H. B. 677 Special Order for 41st Legislative Day.

H. R. 153. Making H. R. 656 Special Orders for 41st Legislative Day.

H. R. 154. Making H. B. 524 Special Order for 41st Legislative Day.

H. R. 162. Making H. B. 272; 575; 527; 39; and 73 Special Order for 41st Legislative Day.

H. R. 171. Making H. B. 570 a Special Order for 42nd Legislative Day and same to take precedence over all other special orders for said day.

And the report of the Rules Committee was concurred in and the resolutions above set out were adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Hildreth:

S. 251. To regulate the assignment of unearned salaries and wages of persons in the State and to prescribe conditions under which such assignments may be made.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate Standing Committee as follows:

Revision of Laws, S. 251.

RECOMMITTAL OF BILLS.

On motion of Mr. Walton

H. 867. To provide for the levying and collecting of a license or privilege tax upon each person, firm, corporation, joint stock company or association engaged in the business of severing from the soil of this State any natural product such as timber, or turpentine; or any minerals, such as oil, gas, sulphur, salt, coal, iron ore, beauxite, limestone, marble, graphite, sand or gravel; or severing from the waters of this State any of the products thereof, such as oysters or shrimp; or engaged in the business of severing from the soil or waters of this State any other natural products or resource, and to provide penalties for violations of this Act, or failure to comply with the provisions of this Act.

Was recalled from the Standing Committee on Mining and Manufacturing and was recommitted to the Standing Committee on Ways, Means and Appropriations.

On motion of Mr. Ashcraft of Lauderdale, H. B. No. 835. To provide for the relief of Cora Spencer, and to make an appropriation therefor, was taken from the Adverse Calendar and recommitted to the Standing Committee on Ways, Means and Appropriations.

On motion of Mr. Verner S. B. No. 338, To amend Section 3441 of the Code of Alabama, 1907, was taken from the Adverse Calendar and recommitted to the Standing Committee on Judiciary.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Jones:

H. 940. To provide that the unexpended balances in all special and trust funds, except those provided for in the constitution and such appropriations as are taken in whole or in part from the General Education Fund or from the annual Legislative appropriation to the Public Schools and the pension fund, be made to revert to the General Fund at the close of each fiscal year.

Ways, Means and Appropriations.

By Mr. St. John (with notice and proof):

H. 941. To provide for the establishing, construction and maintaining of public roads and bridges in Cullman County, Alabama; creating a Highway Commission for said County, and defining its powers, jurisdiction and duties.

Local Legislation.

Notice and proof H. 941:

State of Alabama, }
Cullman County. }

Notice is hereby given as required by the Constitution of the State of Alabama, that the following bill will be introduced and passed by the present session of the Legislature of Alabama:

A bill to be entitled, An Act to provide for the establishing, construction and maintaining of public Roads and Bridges in Cullman County, Alabama; creating a Highway Commission for said County, and defining its powers, jurisdiction and duties.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby created a Highway Commission for Cullman County, Alabama, to be composed of the Judge of Probate of said County, who shall be ex-officio chairman of said Commission, and two associate members who shall be appointed by the Governor, and who shall hold office until the first Monday after the second Tuesday in January, 1929, and until their successors are appointed and qualified, and who shall at the time of their appointment be qualified electors of said county. All vacancies in the membership of said Commission shall be filled by appointment by the Governor, and such appointees are to hold office for the unexpired term. The term of office of said Commissioners shall be six years, to be appointed by the Governor, and shall be concurrent with the term of office of the Judge of Probate. The members of said Commission shall serve without compensation. Before assuming the duties of the office members of said Commission shall take the oath of office prescribed by law for other offices in this state.

Section 2. The said Highway Commission is hereby invested with a general and exclusive jurisdiction and superintendence of public roads and bridges in said county, and may establish new roads and change and discontinue old roads in the same manner to the same extent as now exercised by the Court of County Commissioners of said county; and all the jurisdiction, power and authority now conferred by law on the Courts of County Commissioners or Board of Revenue of the several counties of this State under the general laws of this State, as to public roads and bridges of Cullman county, be and the same are hereby conferred on the said Highway Commission of Cullman County, Alabama; and all jurisdiction of the said Court of County Commissioners of said county over the public roads and bridges and road and bridge fund of said county is hereby abolished.

Section 3. The said Highway Commission shall hold regular meetings at such times as may be fixed by the Commission, and such other special meetings as the road business of the county may require, such special meetings to be called by the chairman on sufficient notice to the associate members. The affirmative votes of two members of said Highway Commission shall be sufficient to decide any question coming before said Highway Commission for decision. Such Commission, as soon after the appointment and qualification of members thereof as practicable, shall divide said county into as many road districts as in the discretion of the Commission is necessary—not less than five, nor more than seven districts—and the said Commission is hereby authorized and empowered to employ a district road supervisor for each of the said districts to supervise all construction and maintenance of the roads and bridges of his district, and shall fix his duties and compensation, and may discharge such supervisor at their discretion and employ other supervisors. Such supervisors may be employed for such time as in the judgment of said Commission is necessary to the proper construction and maintenance of roads and bridges of the county. Such Commission shall also have power and authority to employ such

other labor and teams as may be necessary for the construction, maintenance and improvements of the roads and bridges in such county, and to buy machinery, tools, implements, books, receipt books, records and stationery to be used by said Commission, and other necessary equipment and road material which in their judgment is necessary for use on the public roads and bridges of said county, and to provide for the necessary sheltering and housing of the same. Said Commission shall have authority, when it deems it necessary, to employ an engineer on such terms and for such time as is necessary in the location or change of any public road in the county, and to pay him for his services out of the road and bridge fund of the county. Such Commission shall have exclusive jurisdiction and control over the expenditure of all road and bridge funds in said county from whatever source obtained, and shall pay the same out upon warrants issued by the chairman of said Commission after having been authorized by the vote of two or more members of the said commission; and the treasurer of said county, or other custodian of the public funds of said county, shall pay the warrants so drawn, upon their presentation, out of the road and bridge funds of said county. Said Commission shall also have the power and authority to employ a clerk of said Commission, whose duty shall be to keep a true and correct record of the proceedings of said Commission, as required by law of Courts of County Commissioners as to proceedings with reference to public roads and bridges, and of the receipts and disbursements thereof, and to keep record of all tools, machinery and implements and road material and a list of road hands in such district and the names of all roads in the county; and shall perform such other duties as may be required of him by the said Commission. Said clerk shall receive a salary of \$75.00 per month to be paid out of the general or road fund of the county on warrant issued by the Judge of Probate.

Each of the road supervisors hereinbefore provided for shall make a true and correct itemized report of all work done in his district, and of the condition of the roads and bridges in his district, the labor employed, and a true and correct statement of the amount due each laborer for work, and all other expenses in connection with the road work in his district at the end of each month, which shall be audited by said Commission, and, if found correct, the Commission shall order a warrant drawn in favor of the person to whom any money is due for the amount so due. No warrant shall be drawn for the payment of any claim against the road funds of said county except upon a duly itemized, verified account thereof being filed with said Highway Commission and duly audited and allowed by said Commission.

Section 4. Said district road supervisors, subject to the approval of the Highway Commission of said county, shall, as soon after their appointment as practicable, appoint as many overseers in their respective districts as may be necessary for the working, maintenance and construction of roads in said district, which said overseer shall not be under twenty-one nor over fifty-five years of age, and shall apportion the road hands in their respective districts to the different roads therein, and shall order the road overseers to call out the hands on said road for the purpose of maintaining and working said roads at such times as the district road supervisors may deem best, and to report to the Grand Jury of said county at its next regular term any overseer who fails to discharge his duty as such.

Section 5. All persons over eighteen and under forty-five years of age are liable to work on the public roads in said county for ten days in each year, except such as are exempt under Section 5778 of the Code of 1907, and all provisions of the General Law of the State of Alabama with reference to the public roads and as to working same, and to exemptions

from road duty and manner of obtaining exemptions, and all other provisions as to public roads, shall be applicable to the working of public roads in said county, except where same is in conflict with the provisions of this act.

Section 6. That any person liable to road duty may be exempt from work, by himself or substitute, by paying the overseer of the road to which he is apportioned, on or before the 1st day of February of the current year for which he is liable to road duty, the sum of seven dollars, which shall exempt him from road work for the year. The Highway Commission of said county shall cause to be printed receipt books, with stubs, and furnish each overseer with a sufficient supply of such books and when and as often as any person liable to road duty pays an overseer in lieu of working, such overseer shall give such person a receipt for the amount paid and shall number the stubs to correspond with the number of receipts, and such stubs shall show the amount received and from whom. The overseer shall from time to time pay such money over to the Judge of Probate of said county, taking his receipt therefor. Whereupon it shall be the duty of the Judge of Probate to pay same to the county treasurer or other custodian of public funds of the county, to be placed to the credit of the road fund of said county. All overseers shall on or before the 1st day of March of each year deliver to the Probate Judge all stubs of receipts for money collected from road hands. Any road overseer who converts any ~~of such money~~ to his own use or to the use of another, or who wilfully fails or refuses to account for the same as required by the law, shall be guilty of embezzlement and shall be punished accordingly. ~~The money~~ collected from persons liable to road duty shall be devoted to maintaining and keeping in repair the public roads of the county to which the persons paying same were apportioned.

Section 7. That any overseer who performs any work on the public roads of said county over and above the ten days required by law for such overseer to work, shall be paid such reasonable sum for his labor as may be fixed by the Highway Commission of said county.

Section 8. The Court of County Commissioners of said county may transfer to the road fund of the county any surplus of the general funds of the county in the county treasury, or any part of said surplus, whenever in the judgment of said Court it will promote the interest of the county to make such transfer. Any surplus of general funds so transferred shall be used for the working of the public roads or the building of bridges or otherwise improving the public roads as the said Highway Commission may determine.

Section 9. All the jurisdiction, power and authority now conferred by the general law of the State on the Court of County Commissioners or Board of Revenue as to the public bridges and culverts in Cullman county, Alabama, is hereby conferred on said Highway Commission of Cullman county.

Section 10. That the general laws of Alabama with reference to the mode of warning hands to work on the roads, with notice to be given, the kind of tools or implements to be brought by the hands, and also the general laws as to road defaulters and the punishment and prosecution of the same shall not be construed to be repealed by this act but the same shall be in full force and effect as to Cullman county.

Section 11. That in addition to the authority conferred by the general laws of the State on the Courts of County Commissioners or Boards of Revenue for the adoption of rules and regulations for the working and maintaining of public roads and bridges, said Highway Commission is hereby authorized and empowered to adopt such further and additional rules and regulations as in its judgment may be necessary to the proper

working and to the proper construction and maintenance of the roads and bridges in said county.

Section 12. That any person, firm or corporation who diverts any surface water from its natural course and allows the same to flow into, over or on any public road in said county, or who shall throw up any obstruction or embankment on any land near to a public road so as to cause the water to flow into, or along said road, or who shall otherwise obstruct or injure any public road or bridge in said county, shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars nor more than fifty dollars.

Section 13. That any person who owns land or who is in possession of land that abuts any public road in said county and in the cultivation of said land plows too near the edge of any road and thereby permits earth or debris to obstruct the flow of water in any ditch or drainage connected with said road, or any person who shall by any other manner obstruct any ditch along any public road to drain the same, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one dollar nor more than twenty dollars, and said fine when paid shall be turned over to the road overseer on said road and spent in repairing the injury or damage done to said road.

Section 14. That the overseers of the public roads in said county shall have the power and authority to dismiss from service any hand, whether working for himself, or as a hired hand, who shall fail or refuse to do good and sufficient work, or obey any reasonable orders, and any such person may be proceeded against as though he had failed or refused to obey the notice to work on the road for which he was warned.

Section 15. That the overseer shall preserve carefully all the tools and implements for working on the road turned over to him at any time by the Highway Commission of such county, or by the supervisor of his district, and shall use same only to work on public roads and shall deliver the same to his successor or to the supervisor, taking his receipt therefor, or on the order of a Highway Commission.

Section 16. That the said Highway Commission may at any time remove any overseer or road supervisor for neglect of duty (incompetency, drunkenness or any other reasonable cause; and in case of death, resignation or removal of any overseer or road supervisor, said Highway Commission shall have the power and authority at any time to fill the vacancy thereby caused. In the case of removal of any overseer or road supervisor or resignation, he shall become at once liable to road duty and his name added to the list of hands in his beat.

Section 17. That any overseer or road supervisor who fails to perform his duty as such under the provision of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars and not more than twenty-five dollars.

Section 18. That the Highway Commission of Cullman County shall have the exclusive control and management of public roads and bridges in said county and manner of working and maintaining new roads upon the same proceedings as are applicable under the general law of the State of Alabama governing the same by the Courts of County Commissioners, and shall by deed of easement obtain rights-of-way of public road purposes and shall have the right as provided under the general law as to condemnation proceedings for such purposes; but shall not have any jurisdiction over the establishment, granting or opening of private or settlement roads.

Section 19. That said Highway Commission shall exercise the same jurisdiction, power and authority as to the construction and repair of the bridges in said county and as to letting same by contract, or otherwise,

as is provided by the general law for the construction, repair and contracting of same by the Courts of County Commissioners or Boards of Revenue.

Section 20. That if any section or provision of this act shall be declared void or unconstitutional it shall not affect the validity or constitutionality of any other section or provisions which is not in or of itself void or unconstitutional.

Section 21. That, except so far as the same may be in conflict with this act, the general laws now in force in this state with reference to public roads and highways shall be in force in Cullman County; and that all laws and parts of laws in conflict with the provisions of this act be and the same are hereby expressly repealed so far as they may apply to the county of Cullman.

Section 22. That this act shall take effect immediately upon its approval by the Governor.

F. E. St. John,
Representative from Cullman County.

The State of Alabama, }
Cullman County. }

Before me, F. E. St. John, a Notary Public in and for said County and State, personally appeared J. C. Norwood, Publisher of The Cullman Tribune, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper, once a week, for four successive weeks and being in the issues of said newspaper of the following dates, viz: August 16th, 23rd and 30th, and September 6th, 1923.

J. C. Norwood,
Publisher.

Sworn to and subscribed before me this the 6th day of September, 1923.

F. E. St. John,
Notary Public.

By Mr. St. John:

H. 942. To provide for clerical assistance in the office of the State Auditor and to provide an appropriation therefor.

Judiciary.

By Mr. Fite:

H. 943. To regulate the office of the Clerks of the Circuit Court and Registers of the Circuit Court in all counties of the State having a population of two hundred thousand or more according to the last or any subsequent Federal census, and to provide for the method of paying the compensation of such Clerks, Registers and their employes, assistants, or other help.

Judiciary.

By Mr. Fite:

H. 944. To further regulate the issuance of executions in the Circuit Courts of Counties of more than two hundred thousand population according to the last or any subsequent Federal Census.

Judiciary.

By Mr. Fite:

H. 945. Fixing the fees of Solicitors in condemnation proceedings of conveyances and vehicles of transportation of any kind, whether on the waters of the State, under the water, on the

land, or in the air, which have been or are used for the illegal conveyance of prohibited liquors or beverages into this State, or from one point in the State to another point within the State, including any animals, together with all harness and other accessories employed in such illegal transportation, and all other property, real or personal.

Judiciary.

By Mr. Fite:

H. 946. To fix the fees of Solicitors for convictions for the illegal manufacture of spiritous, vinous or malt liquors, or intoxicating drinks; or for selling, having in possession, giving away, bartering, or otherwise disposing of said prohibited liquors; or for having in possession a still, apparatus or device which is used for the illegal manufacture of spiritous, vinous, or malt liquors or intoxicating beverages.

Judiciary.

By Mr. Fite:

H. 947. To amend an act entitled "An Act to provide a fund for support of a Law Library for the Circuit Court in Counties of two hundred thousand or more inhabitants, without appropriations from the State or County Treasury." Approved September 29th, 1919.

Judiciary.

By Mr. Fite:

H. 948. To amend Section 41½ of an act entitled "An Act to provide for the general revenue of the State of Alabama." Approved September 15, 1919.

Judiciary.

By Mr. Fite:

H. 949. To amend Section 1175 of the Code of 1907.

Judiciary.

By Mr. Odom (with notice and proof):

H. 950. To amend Sections 1, 2, 3, 6, 11, 17, 20, 22, 23, 24, 28, 30 and 34 of an Act of the Legislature of Alabama, entitled "An Act to provide for a better system of public roads for the County of Lamar, State of Alabama, and to provide ways and means by which said system may be maintained and effected, and to provide vehicle license and commutation fees and their manner of collection and expenditure," approved February 10th, 1923.

Local Legislation.

Notice and proof H. 950:

NOTICE.

Notice is hereby given that at the adjourned session of the Legislature of Alabama 1923, which is to convene on July 10, 1923, certain amendments will be made to An Act, to provide for a better system of public roads for

the County of Lamar, State of Alabama, and to provide ways and means by which said system may be maintained and effected, and to provide vehicle license and commutation fees and their manner of collection and expenditure, which Act was approved February 10, 1923, viz:

Sec. 1. Shall be amended so as to appoint a Treasurer for such precinct instead of the Probate Judge.

Sec. 3. Shall be amended so as to require all persons subject to road duty to work eight days of eight hours per day or pay a commutation fee of eight dollars.

Sec. 6. Shall be amended so as to make any person who is over road age and who is willing to serve as road overseer eligible.

Sec. 17. Shall be amended so as to make the commutation fee for the half year four dollars.

Sec. 20. Shall be amended so as to also include any person who shall place any obstruction in the public roads of Lamar County, and fail to forthwith remove the same.

Sec. 28. Shall be amended so as to regulate the kind of vehicles to be taxed for using the public roads, the amount of such tax, the manner of collecting and expending same and to prescribe the kind of vehicles and business that shall be exempt.

Sec. 30. Shall be amended so as to regulate the manner of service on delinquents and to regulate and prescribe the Sheriff's fees. And to regulate, make or prescribe such other amendments as will provide for a better system of public roads for the County of Lamar, State of Alabama, and to provide ways and means by which said system may be maintained and effected.

State of Alabama, }
Lamar County. }

Before me, J. T. Maddox, Judge of Probate in and for said County, personally appeared Flavius McDougal, Editor and Publisher of the Lamar Democrat, a newspaper published in Lamar County, Alabama, who after being duly sworn, deposes and says that the attached notice was published four successive weeks in the Lamar Democrat, viz: August 8th, August 15th, August 22nd, and August 29th, inclusive.

Flavius McDougal.

Subscribed and sworn to before me this 29th day of August, 1923.

J. T. Maddox,
Judge of Probate.

By Mr. Rives (with notice and proof) :

H. 951. To change, alter or enlarge the corporate limits of the City of Birmingham, Jefferson County, Alabama.

Local Legislation.

Notice and proof H. 951 :

NOTICE.

Notice is hereby given that a bill will be introduced at the July session of the Legislature of Alabama, session of 1923, in words and figures as follows, to-wit:

And act to be entitled an act to change, alter or enlarge the corporate limits of the City of Birmingham, Jefferson County, Alabama.

Section 1. Be it enacted by the Legislature of Alabama: That the corporate limits of the City of Birmingham, Jefferson County, Alabama, be so changed, altered and enlarged as to include within the corporate limits of said city as now constituted the following additional territory known as the town of Inglenook, situated in Jefferson County, Alabama, to-wit:

Begin at the SE corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, Township 17, Range 2 west, run thence north along the $\frac{1}{2}$ section line of said Section 17, Township 17, Range 2 west to a point on the north side of the road running through the NE $\frac{1}{4}$ of said Section 17, commonly known as the East Lake Road, run thence in a northeasterly direction along the northerly line of said road to its intersection with the east line of the W $\frac{1}{2}$ of the E $\frac{1}{2}$ of Section 17, and Section 8, Township 17, Range 2 west to the NE corner of the W $\frac{1}{2}$ of the E $\frac{1}{2}$ of said Section 8, run thence west in a straight line and on the east line of the W $\frac{1}{2}$ of Section 5 in said Township and Range where said line intersects the northwesterly line of the right-of-way of the Birmingham Water Works Canal, running from Five Mile Creek to the city of Birmingham. Run thence in a southerly direction along said northeasterly boundary line of said right-of-way to its point of intersection with the east property line of the Louisville and Nashville R. R. Company property. Run thence in a southerly direction along said east property line to the north line of Section 18, same Township and Range. Run thence in an easterly direction along said north line of Section 18 to the west line of the right-of-way of the Birmingham Railway, Light & Power Company, run thence in a southerly direction along the westerly line of said right-of-way to the said south line of the north $\frac{1}{2}$ of the south $\frac{1}{2}$ of said Section 18, which point is in the northern boundary line of the City of Birmingham as now constituted; thence in a straight line and along said northern boundary line of the City of Birmingham in an easterly direction to the point of beginning.

Section 2. That the corporate limits of the said City of Birmingham shall hereafter embrace and include the territory described in Section 1 hereof; as well as and in addition to the territory now embraced and included within the corporate limits of said City as now constituted.

Section 3. This act shall take effect upon its approval by the Governor.

State of Alabama, }
Jefferson County. }

Personally appeared before me, the undersigned authority in and for said County in said State, J. C. Sheehan, who is known to me and who being by me first duly sworn deposeth and saith as follows:

That he is the Advertising Manager of the Southern Labor Review, a weekly paper published in Jefferson County, Alabama and that the attached publication was published in said paper for four consecutive weeks, in the issues of August 1, 8, 15 and 22, 1923.

J. C. Sheehan.

Sworn to and subscribed before me this the 23rd day of August, 1923.

Catherine Harvey,
Notary Public.

By Mr. Rives (with notice and proof):

H. 952. To vacate and annul the charter and dissolve the corporation of the town of Inglenook.

Local Legislation.

Notice and proof H. 952:

NOTICE.

Notice is hereby given that a bill will be introduced at the July session of the Legislature of Alabama, session of 1923 in words and figures as follows, to-wit:

An Act to vacate and annul the charter and dissolve the corporation of the town of Inglenook.

Section 1. Be it enacted by the Legislature of Alabama that the charter of the town of Inglenook, in Jefferson County, Alabama, whether created by authority of special statute or under the general law, be and the same is hereby vacated and annulled and that the said municipal corporation known and styled as the town of Inglenook be and the same is hereby dissolved, and all local or special acts in conflict with the provisions of this act be and the same is hereby repealed.

Section 2. This act shall go into effect immediately upon its approval by the Governor.

State of Alabama, }
Jefferson County. }

Personally appeared before me, the undersigned authority in and for said County in said State, J. C. Sheehan, who is known to me and who being by me first duly sworn depose and saith as follows:

That he is the Advertising Manager of the Southern Labor Review, a weekly paper published in Jefferson County, Alabama and that the attached publication was published in said paper for four consecutive weeks, in the issues of August 8, 15, 22 and 29, 1923.

J. C. Sheehan.

Sworn to and subscribed before me this the 23rd day of August, 1923.
Catherine Harvey,
Notary Public.

By Mr. Wall (with notice and proof) :

H. 953. To provide for the manner of appointing or electing a marshal or chief of police of the City of Athens, Alabama, and to provide for the fixing of his salary and term of office.
Local Legislation.

Notice and proof H. 953:

The State of Alabama, }
Limestone County. }

Notice is hereby given of the intention to apply to the Legislature of Alabama for the passage at the present session or any adjourned session thereof of a law pertaining to the City of Athens, Alabama, which shall be substantially as follows:

An Act to provide for the manner of appointing or electing a marshal or chief of police of the City of Athens, Alabama, and to provide for the fixing of his salary and term of office.

Be it enacted by the Legislature of Alabama:

Sec. 1. That hereafter the marshal of the City of Athens, Alabama, shall be officially designated and known as chief of police of said City of Athens, Alabama.

Sec. 2. That as soon as practicable after the mayor and board of aldermen or other governing body of the City of Athens, Alabama, shall be elected and enter upon their offices respectively, they shall elect a chief of police for the City of Athens, Alabama, and fix his salary.

Sec. 3. That said chief of police shall hold his office at the discretion of the mayor and board of aldermen or governing body of the City of Athens, Alabama, by whatever name known and that he may be discharged at any time by said governing body without cause shown.

Sec. 4. That all laws or parts of laws general, local or special in conflict herewith are hereby expressly repealed.

C. W. Sarver,
Mayor of Athens, Alabama.

The State of Alabama, }
Limestone County. }

Personally appeared before me, Lee Stonestreet, a Notary Public in and for said County and State, R. H. Walker, who, being by me first duly sworn, deposes and says that he is the owner and manager of the Limestone Democrat, a weekly newspaper published at Athens, in said County and State; that notice was given by A. W. Garver of the intention to apply to the Legislature of Alabama, at regular session 1923, for the passage and enactment of a bill providing for the election of the city marshal of the City of Athens, Alabama, a true and complete copy of which is hereto attached and was published in said paper for four consecutive weeks, commencing on the 25th day of June, 1923; that said publication was without cost to the State.

R. H. Walker.

Sworn to and subscribed before me on this the 30th day of August, 1923.
(Seal)

Lee Stonestreet,

Notary Public for Limestone County, Alabama.

By Mr. Grove:

H. 954. To amend section 7, Part 1, and section 12b, Part 2, of an act approved August 23, 1919 entitled "An Act—Prescribing the liability of an employer to make compensation by way of damages for injuries received by an employee occasioned by an accident arising out of and in the course of his employment and providing for the enforcement of same, modifying common law and statutory remedies, in such cases; establishing an alternative elective schedule of compensation regulating procedure for the determination of liability and compensation thereunder in certain cases, and prescribing penalties for the violation thereof; and providing for attorneys' fees and for medical and surgical services."

Judiciary.

By Mr. Grove:

H. 955. To amend section 31 and section 32, Part 2 of an act approved August 23, 1919, entitled, "An Act—Prescribing the liability of an employer to make compensation by way of damages for injuries received by an employee occasioned by an accident arising out of and in the course of his employment and providing for the enforcement of same, modifying common law and statutory remedies, in such cases; establishing an alternative elective schedule of compensation, regulating procedure for the determination of liability and compensation thereunder in certain cases, and prescribing penalties for the violation thereof; and providing for attorneys' fees and for medical and surgical services."

Judiciary.

By Mr. Grove:

H. 956. To amend section 5a, Part 1, and Section 12a, Part 2 of an act approved August 23, 1919 entitled, "An Act—Prescribing the liability of an employer to make compensation by way

of damages for injuries received by an employee occasioned by an accident arising out of and in the course of his employment and providing for the enforcement of same, modifying common law and statutory remedies, in such cases; establishing an alternative elective schedule of compensation regulating procedure for the determination of liability and compensation thereunder in certain cases, and prescribing penalties for the violation thereof; and providing for attorneys' fees and for medical and surgical services."

Judiciary.

By Mr. Dowdle (with notice and proof):

H. 957. For the relief of Carl M. Glass, Tax Collector of Pickens County, Alabama.

Local Legislation.

Notice and proof H. 957:

AN ACT.

Entitled an Act for the relief of Carl M. Glass, Tax Collector of Pickens County, Alabama:

Section 1. Be it enacted by the Legislature of Alabama, that the Probate Judge of the County of Pickens, State of Alabama, be and he is hereby directed to draw his warrant on the county treasury of said county in favor of Carl M. Glass, Tax Collector of Pickens County, Alabama for the sum of eighty-one and 89/100 (\$81.89) dollars, payable out of the general funds of said county, to reimburse the said Carl M. Glass for the said amount paid by him to said county in his settlement for the taxes for the year 1919 in excess of the amount due by him to said county as Tax Collector thereof, which said sum of money was erroneously paid by him.

The State of Alabama, }
Pickens County. }

Before me, Jack M. Pratt, a Notary Public in and for said State and County, personally appeared Ben I. Rapport, who being first duly sworn, deposes and says:

I was owner, editor and manager of the Pickens County Herald and West Alabamian, a weekly newspaper published at Carrollton in said County and State, during the months of January and February, 1923, and a Bill entitled an Act for the relief of Carl M. Glass, Tax Collector of Pickens County, Alabama, a copy of which is hereto attached, was published in said paper for four consecutive weeks on the dates herein set forth, viz: January 18, January 25, February 1, and February 8th, 1923.

Ben I. Rapport.

Sworn to and subscribed before me on this the 5th day of September, 1923.

(Seal)

Jack M. Pratt,
Notary Public.

By Mr. L. K. Bowen:

H. 958. To repeal an Act entitled an Act: "To prevent the spread of tuberculosis by the creation of a tuberculosis commission, to provide for its organization and work, and to authorize

the erection and maintenance of local hospitals under its supervision." Approved September 22, 1915.

Public Health.

By Mr. Luck (with notice and proof) :

H. 959. To provide for the better construction, repairing, working, and maintaining of the Public Roads and Bridges in Shelby County, Alabama.

Local Legislation.

Notice and proof H. 959:

NOTICE.

Notice is hereby given that a bill, the following being substantially a copy thereof, will be introduced for passage by the Legislature of Alabama at its present session, to-wit:

An Act to provide for the better construction, repairing, working, and maintaining of the public roads and bridges in Shelby County, Alabama.

Section 1. Be it enacted by the Legislature of Alabama, That the board of revenue of Shelby county shall elect a superintendent of public roads of said county, and every two years thereafter, elect his successor, whose term of office shall begin with the date of his qualification, and to continue for two years unless he shall be sooner removed by said board for drunkenness, neglect of duty or incompetency, or unless such court shall as herein authorized, hereafter employ a skilled civil engineer to assume control over the public roads of said county.

Section 2. Be it further enacted, That before entering upon the duties of such office, such superintendent shall qualify by taking and filing the statutory oath of office, and giving bond in such sum as may be prescribed by said board but in no event for less than one thousand dollars, payable to Shelby county, with sureties thereon, to be approved by the judge of probate of said county, which oath and bond shall be recorded in the office of the probate judge.

Section 3. Be it further enacted, That the superintendent of public roads shall receive a salary for each year's service to be fixed by the board of revenue before he enters upon the duties of such office, such salary to be paid in monthly installments, at the end of each month, by a warrant drawn by the president of the board of revenue on the road fund in the county treasury.

Section 4. Be it further enacted, That subject to the orders and direction of said board of revenue, the said superintendent shall have control and supervision of all the public roads of the county, as to manner of working, repairing, and maintaining the same; as to changing the present roads and locating and opening new roads; and of the execution of any contract now or hereafter made by said board for the working and repairing and opening or changing roads or of building or repairing bridges, culverts or causeways.

Section 5. Be it further enacted, That said superintendent shall have authority and it shall be his duty to appoint one or more competent resident citizens of said county as enumerators of road hands for said county, or for a specified number of precincts thereof as shall be determined by him, each of whom shall make oath in writing, to be administered by said superintendent, that he will faithfully discharge the duties of such office, and which oath shall be filed in the office of the judge of probate of said county and there preserved for public examination.

Section 6. Be it further enacted, That immediately upon the completion and filing in the office of the judge of probate of said list of road hands, the superintendent shall divide into consecutively numbered sections the public roads in each precinct and into such lengths as he may determine, and he shall then appoint such number of overseers thereof as may be necessary for a term of one year, and to each overseer shall assign such section or sections as he may deem advisable for the proper working and maintenance of said roads. To each overseer such superintendent shall apportion such road hands for each section as the nature and character and amount of work to be done thereon renders necessary, and shall deliver to such overseer a list of such hands, and keep in his office for ready reference a duplicate thereof.

Section 7. Be it further enacted, That each overseer shall take and prescribe in writing before said superintendent an oath that he will faithfully perform the duties of road overseer, which shall be filed in the office of judge of probate. To each overseer said superintendent shall deliver a commission, setting forth the section or sections over which he has been appointed, as also the grade of the road or roads thereof. Said superintendent may at any time remove an overseer for neglect, failure or refusal to perform his duties, or for drunkenness. Upon a vacancy occurring in the office of overseer, from whatever cause, said superintendent shall fill the same, such appointee holding for the unexpired term of his predecessor.

Section 8. Be it further enacted, That at least four times each year, said superintendent shall personally inspect all the public roads in each section, and in making such inspection shall when practicable, be accompanied by the overseer thereof, to whom the superintendent shall make such suggestions, and give such directions as to changing roadbeds, repairing, improving and working the public roads, and building, repairing, and maintaining bridges, culverts, as he may deem proper. The superintendent shall make full remittance within the first two days after the assembling of said grand jury.

Section 9. Be it further enacted, That the enumerator or enumerators herein provided for shall, immediately after January first of each year, make a thorough and complete house to house canvass of said county, or of such specified precincts thereof for which he shall have been so appointed enumerator, report in writing of the condition of the public roads and the manner in which any contracts relating thereto have been or are being executed, to the board of revenue, at the February, May, August and November terms of said court in each year, and such special reports may be required at any time by said board, and he shall also make full report of like character to each regular grand jury empanelled in said county, which last mentioned report shall be submitted, listing the names and ages of all male residents thereof over 18 and under 45 years of age, entering the same in a book to be kept for that purpose, and opposite to each name so enrolled the name or location of the house in or the farm on which he resides, and the name of the public road nearest his dwelling place. The names so enrolled in said enrollment book shall be written in a plain, legible hand with ink, and upon completion of such book, it shall be forthwith filed in the office of the judge of probate of said county.

Section 10. Be it further enacted, That if any person proposed to be enumerated shall claim to be under 18 or over 45 years of age, said enumerator may take the affidavit of such person, or any other, as to the age of said person, which affidavit or affidavits shall be in writing, subscribed by the affiant, and shall be preserved and filed by the enumerator in the office of the judge of probate, except in such cases where the enumerator has cause to believe that perjury has been committed, and then such affidavit shall be returned to the next grand jury. In enumerating per-

sons for road duty, any person who has lost an arm or a leg or who shall have a proper certificate of exemption from the county medical society shall be exempt from road service.

Section 11. Be it further enacted, That the enumerators herein provided for shall receive such compensation as may be fixed by the board of revenue, and be paid by warrant of the president of the board of revenue out of the road fund of the county, upon proper vouchers filed with said board, and such enumerators shall in addition be exempt from road service during the year he serves as such. Provided, that any enumerator may be removed by the superintendent at any time for neglect or failure to perform his duties, or for partiality or favoritism shown therein, and after his removal shall be subject to enrollment as a roadhand.

Section 12. Be it further enacted, That the superintendent may at his discretion appoint as overseers persons who are not liable to road duty. It shall be the duty of each overseer to make quarterly reports to the superintendent of all work done by the hands, and the number of days worked by each hand, the names of all defaulters, and, until such report is made the overseer shall not be paid his per diem.

Section 13. Be it further enacted, That all male inhabitants of Shelby county between the ages of 18 and 45, and not exempt from road duty under the general laws of the state (except inhabitants of cities and towns having an acting municipal organization) shall be required to work upon the public roads of said county for five days in each calendar year. Provided, that said five days of work may be commuted by the payment to the superintendent on or before the first day of March of each year of the sum of \$5.00, or on or before the first day of April of \$5.25; or on or before the first day of May of \$5.50; or on or before the first day of June of \$5.75, or on or before the first day of July of \$6.00. Provided, that if at any time any person so liable to perform road duty is summoned or warned to work the public road he must then work the number of days for which he is summoned, unless he then pay to said superintendent or to the probate judge the sum for which he may then commute said work. Provided, further, that if, in response to being warned or summoned therefor, any person so liable to do road duty shall do any number of days work such person may thereafter, before being warned, commute the balance or remaining portion of said five days work by paying the amount above specified, less 75 cents per day for the time so worked, up to July 1st, of any one year, and after said July 1st, no person can commute said work. If the above specified sum is not so paid on or before the date hereinbefore fixed the road hand either in person, or by an able-bodied substitute, shall perform the full five days labor. To the end that the road hands shall have the opportunity to pay such commutation money, it shall be the duty of the superintendent to attend at a designated place in each precinct on a day prior to the first day of April in each year, of which time and place he shall give notice by posting up written or printed notices in at least two public places in each precinct. No overseer shall be authorized at any time to receive commutation money in lieu of road service.

Section 14. Be it further enacted, That whenever an overseer shall determine that a public road needs repairing or working, or when the superintendent shall so direct, he shall call out such hands as have been fisted to him as he may deem sufficient in number, to work for such length of time as shall be determined by said superintendent; and if any hand shall fail or refuse to work, or to furnish an able-bodied substitute (unless he has commuted such service as hereinabove provided) it shall be the duty of the overseer within five days from such warning to return each and every hand so failing or refusing to a justice of the peace in the precinct, or, if there be no justice in the precinct, then to the nearest justice of the

peace in an adjoining precinct, and such hand shall be proceeded against as a road defaulter under the general laws of the State. Provided, that overseers, on good excuse made under oath, which may be administered by the overseer, may excuse defaulters within five days after default. Any person making a false oath to so get excused shall be guilty of perjury, and punished therefor, as provided by law.

Section 15. Be it further enacted, That a day's work for road hands, under the provisions of this act, shall be 10 hours of actual service. The warning of hands shall be made by the overseer in person or by substitute, by giving one day's notice to the hands, stating to them on what day and at what point on the road such hands shall report for service, or it may be made by leaving a written notice for the same length of time at the residence of the hand, but no hand shall be required to go more than six miles from his residence in working the public roads.

Section 16. Be it further enacted, That when a road hand listed to an overseer has performed part of his road service and thereafter moves from such precinct, it shall be the duty of such overseer to furnish him on demand, a written certificate showing the time he has served during the current calendar year, which certificate shall be an exemption to such road hand to the extent of the time worked, from road service in any other precinct in the county to which he may remove.

Section 17. Be it further enacted, That all fines imposed upon road defaulters shall be paid in lawful money, and when collected shall be paid by the justice to the county treasurer to the credit of the road fund, and shall in no event be retained or otherwise appropriated by such justice.

Section 18. Be it further enacted, That the board of revenue may, if it so determine, employ misdemeanants sentenced to hard labor for the county in working the public roads thereof, or may let them to hire to any road contractor in the county, under such rules and regulations as it may adopt, as to feeding, clothing, housing, medical attention and guarding; but no female convict shall be worked upon the public roads; but may be hired out to contractors for service for cooking, washing, sewing and such like employment in camps, stockades, or prisons, or employed for such purposes under the direction of the board of revenue. But nothing in this act contained shall prevent the board of revenue from hiring out any and all convicts sentenced to hard labor for the county, as now provided by general law.

Section 19. Be it further enacted, That when any person sentenced to hard labor is worked on the public roads of said county, either under the direction and control of the board of revenue, or let by it to a contractor for working on the public roads of said county, such convict shall have credit on the sentence imposed for cost, for his labor, not less than 30 cents per day, until such cost is paid or otherwise secured as provided by law, and when convicts are so worked under the direction and control of the board of revenue or by it let to contractors on the public roads of the county, the fine so to be worked out in payment of cost, at not less than 30 cents per day shall be paid out of the road fund of the county upon the order of the board of revenue to the clerk of the court in which such convict is delivered, or at the next term of the board of revenue thereafter, and the clerk must thereupon pay the amount received of the sentence for costs to the persons entitled thereto as provided by law.

Section 25. Be it further enacted, That upon the coming in of the report and the return of the civil engineer or surveyor, as provided in section 24 of this act, the board of revenue must cause notice to be served on the owner or owners of such tract or parcel of land over which the road has been marked showing the route marked out, the quantity of land that will be taken from said owner, if the road is opened, and the amount of compensation that the report of the engineer shows should be paid to said

owner as to the value of his land so to be taken; and appointing a day on which the board will hear any objections to said report, or to any valuations therein shown, for at least ten days before the time set for hearing such report, and any objection thereto. Said notice shall be served by the sheriff by personal service on the owner or owners, or if such owner cannot be found, but has a residence in the county, by leaving a copy of said notice at his residence. Should it be made known to the board by the return of the engineer or surveyor, or from any other source that the owner or owners of the land, or any part thereof, reside outside of the State, then like notice shall be given such owner or owners by publication for three successive weeks in some newspaper published in the county.

Section 26. Be it further enacted, That on the day appointed, as provided by section 25 of this act, the board shall proceed to act on said report of view and assessment of valuation in all respects as provided in section 2449 of the Code of 1896. Provided, that by the direction of the superintendent of roads, minor changes may be made in old roads with the consent of the owner of the land taken for such change; and provided further that the board of revenue may contract with land owners for a right of way for changing old roads or opening new roads.

Section 27. Be it further enacted, That it shall be the duty of the board of revenue of Shelby county to make and enter upon the minutes of said board at the February term 1924, and at the same term each succeeding year, an order appropriating an amount not less than 25% of the estimated revenue coming to the county during the succeeding fiscal year, after deducting commissions for assessing and collecting such revenue, and as much more from the general fund as the said board may see proper, consistent with other demands upon the county treasurer. Upon making such appropriation, the said board shall direct by a proper order, and it shall be the duty of the county treasurer to open an account, to be known as the county road fund account, and whenever any money shall be paid to said treasurer for the general fund, he shall enter the proportionate part thereof as fixed by the order of said board to the credit of said road fund and the remainder to the credit of the county general fund. Provided that said road fund may from time to time be increased by additional appropriations made by said board.

Section 28. Be it further enacted, That the "county road fund" provided for by the preceding, or any other section of this act, shall be disbursed upon the order of the board of revenue, as provided by this act.

Section 29. Be it further enacted, That it shall be the duty of the board of revenue of Shelby county to have this act printed for the use of said board and other courts of said county, and for the officers herein named, and persons desiring to submit bids for contracts.

Section 30. Be it further enacted, That the board of revenue shall have full power and authority to make and establish such rules and regulations not in conflict with this act, that it may deem necessary, for the proper construction, working, repairing and maintaining of the public roads, bridges and culverts of said county, and for requiring all of persons charged with any duty, power, or liability under this act a rigid performance of the accountability therefor, and for this purpose may appoint an auditor to examine into and pass upon all claims presented against the road fund, and to fix the compensation of such auditor and provide for its payment out of the road fund or the general fund as may be determined.

Section 31. Be it further enacted, That the board of revenue of Shelby county be and is hereby empowered to at any time that said board may deem advisable, employ a skilled civil engineer to assume control and supervision over the public roads of said county, as to the manner of locating and surveying new roads, and as to the manner of working, repairing

and maintaining any of the public roads in said county; and to supervise the execution of any contract that may be made on behalf of the county, for the working, repairing, opening, or changing of any of the roads or bridges of said county, at such salary and for such length of time as said board of revenue shall determine. In the event such skilled civil engineer shall be so employed the term of office of the superintendent hereinbefore provided shall automatically cease, and determine, and thereafter said civil engineer shall do and perform, in addition to such other duties as may be prescribed, the duties hereinbefore required of said superintendent. Provided that the board of revenue may retain in the service of the county the said superintendent at such salary and to perform such duties as may be agreed upon.

Section 32. Be it further enacted, That except as herein otherwise provided, this act shall take effect when signed by the governor of Alabama, that when not in conflict with this act, the general road law for the State, as embraced in an act of the Legislature of Alabama approved September 22, 1915, shall govern, and that all laws and parts of laws in conflict with this act, be and the same are hereby repealed as to Shelby county, Alabama.

Section 20. Be it further enacted, That it shall be the duty of the overseers of roads, before commencing to work their roads to ascertain as near as possible what teams for plowing or hauling they will require, and to make requisition on the superintendent therefor, stating in such requisition the hauling or plowing to be done, and it shall thereupon be the duty of the superintendent to determine to what extent such requisition shall be complied with and to either hire from private persons or furnish the teams owned by the county to fill the requisition to the extent deemed proper, or to authorize the overseer to hire such teams from private parties for such time as the superintendent may designate, and all bids for the use or hire of teams must be approved by the superintendent before payment, and no overseer shall use his own teams for work or hauling on the public road, unless authorized in writing so to do, by the superintendent. Provided that in case of serious casualty to a road or bridge, or culvert, the overseer may act at once and hire the necessary teams to repair the same without making requisition but shall promptly thereafter make full report of his action to the superintendent.

Section 21. Be it further enacted, That the overseer of roads appointed under this act shall be paid such compensation as may be determined by the board of revenue, to be paid at the end of each quarter upon the approval of his report and account by the superintendent out of the road fund, upon the warrant of the president of the board of revenue. Provided, that the overseer shall not be paid a per diem for warning hands, but he may appoint a road hand to do that duty, and excuse him from a day's work for each day he shall be engaged in warning hands.

Section 22. Be it further enacted, That the superintendent of roads shall be under the control and direction of the board of revenue, who shall require him to devote his entire time to the public roads and bridges of the county, and he shall be furnished with all necessary stationery and blanks for the use of his office, to be paid out of the road fund, and such superintendent shall keep such books and accounts, lists of overseers, enumerators and road hands as to show all transactions pertaining to the working, repairing and maintaining of the public roads and bridges, and shall be provided with a desk in the court house in which to keep his books and other papers pertaining to his office.

Section 23. Be it further enacted. That the board of revenue for said county shall have authority to purchase and maintain such teams, implements, tools, and material as may be deemed necessary and proper for use

in working, repairing and maintaining the public roads of said county, and shall be authorized to purchase rights of way for roads, or changes in roads to contract for the grading, filling, macadamizing of any part or parts of any public road or to employ persons to do such work under such agent as it may appoint, and to pay the same out of the road fund, and not out of the general fund.

Section 24. Be it further enacted, That when it is desired to open a new road or change an old road in said county (except under minor changes otherwise provided for) instead of a jury view, as provided by section 5773, et seq. of the Code of 1907, the board of revenue shall appoint a competent civil engineer to survey, to view, to locate and mark out the best route for such proposed new road or changed road, and to assess the value of the land to be taken for such new road, and he must, before entering upon such duty, take and subscribe an oath to view and mark out a road to the greatest advantage to the public, and after surveying and marking out the road, must make report and return same, with the necessary plat, to the board of revenue, together with an assessment of the value of the land of each land owner that will be taken if the road is so opened, or the route so changed. Provided, that where minor changes can be made with the consent of the owner of the land over which such changes shall be located, or when the right-of-way for a new road can be acquired by donation or purchase from the land owner, then such changes may be made or a new road opened by order of the board of revenue entered on the minutes of said board without proceeding under this and the succeeding sections of this act.

State of Alabama, }
Shelby County. }

Personally appeared before me, a Judge of Probate in and for said county, Luther Fowler, who being duly sworn according to law deposes and says that he is the publisher of the Shelby County Reporter, a newspaper published in said county and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for four weeks consecutively, to-wit, in the issues thereof dated as follows: August 9, 1923, August 16, 1923, August 23, 1923, and August 30, 1923.

Luther Fowler.

Subscribed and sworn to before me this 1st day of September, 1923.

L. B. Ridelle,
Judge of Probate.

By Mr. Graves:

H. 960. To make an additional appropriation for the enforcement of the laws of the State.

Ways, Means and Appropriations.

By Mr. Adcock (with notice and proof):

H. 961. To repeal an Act entitled an Act "To provide for the improvement of the public roads and bridges of Tallapoosa County, Alabama," approved February 28, 1911.

Local Legislation.

Notice and proof H. 961:

NOTICE.

Notice is hereby given, as provided by Section 106 of the constitution of 1901, that a bill will be introduced into the Legislature of Alabama at the adjourned session of such Legislature to be held on the 10th day of July, 1923, and that the intention to apply for the enacting of such law is hereby given, and such bill shall be substantially as follows:

A bill to be entitled an Act to repeal the act of the Legislature of Alabama of 1911, approved February 28, 1911, entitled an Act "To provide for the improvement of the public roads and bridges of Tallapoosa County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. Be it enacted by the Legislature of Alabama, That the act of the Legislature of Alabama, of 1911 Local Acts, at page 21, approved February 28, 1911 entitled an act To provide for the improvement of public roads and bridges of Tallapoosa County, Alabama, be and the same is hereby repealed.

Section 2. This Act shall take effect from its passage and approval by the Governor.

June 1st, 1923.

State of Alabama, }
Tallapoosa County. }

I, Thomas R. Andrews, Publisher of the Dadeville Spot Cash, a weekly newspaper published in the town of Dadeville, said County and State, do solemnly swear that the above and attached notice was published in said newspaper for thirty days, including the issues of June 13-20-27, July 4th, 1923.

Thos. R. Andrews.

Subscribed and sworn to before me this 30th day of July, 1923.

(Seal)

J. H. Lovelace,
Notary Public.

By Mr. Bealle:

H. 962. To prohibit the working of convicts in coal mines longer than ten hours in one day.

Penitentiary and Criminal Administration.

By Mr. Fanning (with notice and proof):

H. 963. To provide for the election of a County Treasurer of Walker County, Alabama, by the qualified electors of said County and to prescribe his duties and compensation.

Local Legislation.

Notice and proof H. 963:

NOTICE.

Notice is hereby given that application will be made to the approaching session of the Alabama Legislature to pass a bill substantially as follows:

An Act, to provide for the election of a County Treasurer of Walker County, Alabama, by the qualified electors of said County and to prescribe his duties and compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That at the general election held in this state in November 1924, and each four years thereafter, there shall be elected by the qualified electors of said county a County Treasurer who shall hold office for four years from the first Monday after the second Tuesday in January next after his election and until his successor is elected and qualified.

Section 2. That Chapter 12 of the Code of Alabama for 1907 shall in all things apply to and govern the County Treasurers elected under the authority of this act when not in conflict with the provisions hereof.

Section 3. It is hereby declared to be the purpose of this Act to return in Walker County to the system prevailing as to County Treasurers prior

to the taking effect of the act approved September 15, 1919, abolishing the County Treasurer in certain counties of this state.

Section 4. The County Treasurer shall be paid an annual salary of \$1500.00; said payments to be made in monthly installments.

Section 5. It shall be the duty of the County Treasurer to deposit all public funds in some bank in Walker County, Alabama, which is accepted and recognized by the Court of County Commissioners of said County or other Governing authority of said county as a legal depository. The County Treasurer shall arrange with the said bank for the best obtainable interest upon said deposits and the interest paid upon said deposits shall belong to Walker County and the Treasurer shall account for and be responsible for the same.

Section 6. The Court of County Commissioners or other governing authority of said county shall fix the amount of bond to be given by the County Treasurer and may from time to time increase or decrease the same and may require from time to time the said County Treasurer to execute a new bond.

7. Walker County shall pay the premium required for the County Treasurer's bond and the County Treasurer shall pay the same and shall have credit for the amount so paid.

8. That all laws and parts of laws, general, local or special, in so far as they are in conflict with the provisions hereof, are hereby repealed.

E. W. Long.
July 7th, 1923.

State of Alabama, }
Walker County. }

Before me, a Notary Public in and for said State and County, personally appeared L. S. Richardson, who being duly sworn, deposes and says that he is Publisher of The Mountain Eagle, a weekly newspaper published at Jasper, Walker County, Alabama, and that the notice copy of which is hereto attached was published for four consecutive weeks, May 30th, June 6th, 13th, and 20th, 1923.

L. S. Richardson,
Publisher.

Sworn to and subscribed before me this 7th day of July, 1923.
(Seal)

W. E. Barrett,
Notary Public.

By Mr. Fanning (with notice and proof) :

H. 964. Prescribing the salary and the manner of payment of the same, of the Chief Deputy Sheriff for Walker County, Alabama."

Local Legislation.

Notice and proof H. 964:

NOTICE.

Notice is hereby given that the undersigned, Guy V. O'Rear, Sheriff, will present for enactment by the Legislature of Alabama, at the present session and the next meeting of the same, the following local bill:

A bill entitled an Act:

"Prescribing the salary and the manner of payment of the same, of the Chief Deputy Sheriff for Walker county, Alabama."

Be it enacted by the Legislature of Alabama:

Section One. The salary of the Chief Deputy Sheriff for Walker County shall be in the sum of \$1,800 per annum; the same to be paid in equal monthly installments out of the treasury of the county, upon the war-

rant of the Board of County Commissioners, or other governing board of the County.

Section Two. That all laws and parts of laws in conflict with this act, be, and the same are hereby repealed.

Guy V. O'Rear,
Sheriff.
July 7th, 1923.

State of Alabama, }
Walker County. }

Before me, a Notary Public in and for said State and County, personally appeared L. S. Richardson, who being duly sworn, deposes and says that he is Publisher of The Mountain Eagle, a weekly newspaper published at Jasper, Walker County, Alabama, and that the notice copy of which is hereto attached was published in said newspaper for four consecutive weeks, May 16th, 23rd, 30th, and June 6th, 1923.

L. S. Richardson,
Publisher.

Sworn to and subscribed before me this 7th day of July, 1923.
(Seal)

W. E. Barrett,
Notary Public.

By Mr. Embry:

H. 965. To fix the salary of the Secretary of the Alabama Pension Commission and the Clerk and Stenographer of said Commission.

Ways, Means and Appropriations.

By Mr. Fite:

H. 966. To exempt Federal rural mail carriers from the payment of State automobile license tax.

Ways, Means and Appropriations.

By Mr. Cato:

H. 967. To better provide for the assessment and collection of escaped ad valorem taxes.

Ways, Means and Appropriations.

By Mr. Fanning:

H. 968. To provide for the payment to the sheriffs of the various counties of this state the sum of ten cents (10c) per mile from the court house to the place of arrest and a like sum from the place of arrest to the court house of the county in all cases in which a conviction may be had for a violation of the laws of this State; to cover the expense of such trips and to provide that the same shall be taxed against the defendant on conviction. To provide for the repeal of the provisions of all laws, general, local or special in conflict with the provisions of this act.

Claims and Fees.

By Mr. Verner:

H. 969. To fix the amount of the Governor's contingent fund and to make an appropriation therefor.

Ways, Means and Appropriations.

By Mr. Ashcraft of Lauderdale (with notice and proof) :

H. 970. To better regulate public road working in Lauderdale County, Alabama, and to require the working thereon of wagons and teams, and to prescribe punishment for violation of the Act, and to provide for disposition of fines and road tax collected under the same.

Local Legislation.

The State of Alabama, }
Lauderdale County. }

Before me, the undersigned authority, personally appeared Prentiss Blackwell, who being by me first duly and legally sworn, on his oath states that he is the Publisher of the Florence Daily News, a newspaper published in Florence, Lauderdale County, Alabama, and that the following notice of a proposed road law for said county, signed by C. W. Ashcraft, was published in said paper once a week for four consecutive weeks, it appearing in said paper on the following dates: August 14th, 21st, 28th, and September 4th, 1923.

LEGAL NOTICE.

Notice is hereby given that the undersigned will apply to the present Legislature of Alabama for the passage of a local law applying only to Lauderdale County, Alabama, the substance of which is as follows, to-wit:

A bill to be entitled an Act:

To better regulate public road working in Lauderdale County, Alabama, and to require the working thereon of wagons and teams, and to prescribe punishment for violation of the act, and to provide for disposition of fines and road tax collected under the same:

Be it enacted by the Legislature of Alabama:

1. That the following persons and property shall be liable for road duty in their respective precincts in Lauderdale County, Alabama, for six days of eight hours each in each year after December 31, 1923, viz: Each person not now exempt by law from road duty, each horse, mule and wagon.

2. That any person, horse, mule or wagon liable to road duty under this act may be exempt therefrom by paying to the Probate Judge of the county on or before the 15th day of February each year, the sum of Six Dollars, which shall be used on the roads in the precinct from which it is paid.

3. That it shall be the duty of apportioners of each precinct on or before March 15th of each year to make in triplicate a list of all persons and property liable for road duty in their respective precincts that have not been exempt by the payment of the road tax. Each list shall be according to divisions of the road on which each person or property is assigned for road duty, and one of said lists shall be filed with the Probate Judge, and one with the overseer, and one must be kept by the apportioner.

4. That the respective overseers must during each year work all the persons and property so furnished him by the apportioners not less than six days, and all who have been warned and failed to comply with the said warning and work the full time as provided by this act shall be by said overseer reported in writing to the County Court within five days thereafter.

5. That it shall be a sufficient warning of a person for road duty to notify him in person or by leaving a written or printed notice at his residence at least one day before time to start to work the road; and it shall be sufficient warning to notify in person or by leaving a printed or written notice at the residence of the person owning or having in possession property subject to road duty one day prior to working the road.

6. That it shall be the duty of the owner or party in possession of the property subject to road duty to provide feed for the animals and to deliver them at the place for road working at the proper hour, together with the proper harness and wagon for road work, and shall at the end of each day have someone at the road to take charge of the same; and this shall be his duty from day to day until the road working has been completed.

7. That the owner or person in possession of a wagon and team, or either, shall have the right to drive the same in person or to provide a driver for his team, and for such service he shall be allowed a credit either on his time of one day for each day he drives said team, or he may elect to take credit of one day for one animal or one wagon for each day he drives said team or provides a driver therefor.

8. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and shall be punished by a fine of not less than Ten Dollars nor more than One Hundred Dollars, one-half of which shall be paid to the Probate Judge who shall apply the same to the road fund in the precinct from which said cause originated.

9. That it shall be the duty of the County Solicitor on the information furnished by the overseer in his written report filed with the Probate Judge of the violations of this act, to have warrants issued against the offending parties, and he shall prosecute said parties in the County Court in the same manner as other cases arising therein.

10. That no part of this act shall be so construed as to apply to persons or property residing in or located in any incorporated city or town in said county.

11. That all laws and parts of laws in conflict with this act or inconsistent therewith are expressly repealed.

Respectfully,

C. W. Ashcraft.

Prentiss Blackwell.

Sworn to and subscribed before me, this the 4th day of September, 1923.

Jno. L. Hughston,
Notary Public.

BILLS ON SECOND READING.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 671. To require certificate of decree of divorce, whether complainant or defendant, or certificates of decree granting the right to remarry to defendant in any divorce proceedings, to be filed with Judge of Probate by all parties applying for marriage license that have or may hereafter be divorced.

H. 722. To provide for the election by the qualified voters in all Counties of this State, having a population of over Two Hundred Thousand, according to the last Federal census, or any subsequent Federal census, of each and every County official, whose salary, fee or compensation is fixed by legislative enactment at Three Thousand Dollars or more per annum and paid in whole or in part out of the County funds of such counties, and to define the term "County official."

H. 872. To amend Section 5973 of the Code of 1907.

H. 828. To provide for the compensation of members of the County Boards of Education in all counties of this State having a population of Two Hundred Thousand (200,000) or more according to the last Federal Census or any subsequent Federal census.

H. 904. To establish a Board of Revenue for Marengo County, and for the abolishment of the Court of County Commissioners of said County.

S. 383. To authorize and empower the probate court to sell the lands of a testator for the payment of legacies, when legacies are made a charge on such lands and no power is conferred upon the personal representative to sell the same, and to regulate the practice in such cases.

S. 417. To authorize and provide a fund to be known as the State Insurance Fund which is to be carried by the State Treasurer for the purpose of insuring against loss by fire or tornado all state owned buildings or buildings in which the state has appropriated monies for the erection or equipment thereof, or which may have been deeded to the state, and all property equipment, furniture and fixtures or supplies belonging to or stored in such buildings and any and all properties of such nature as may be acquired by the state, and to this end to establish a basis for assessment and collection of premiums, to provide for a sinking fund with which to pay losses, to provide an emergency appropriation to be used only in case of loss by fire or tornado in excess of collection of premiums, to provide for a division of the state's property into groups, to provide for return of surplus for maintenance purposes, to provide for inspection and valuation of state property and promulgate rules and regulations necessary for the operation of the Act.

S. 442. To authorize municipal corporations to divide the territory within the corporate limits into zones or districts and to provide the kind and character and use of structures that may be erected within the several zones and to rearrange the same from time to time and to adopt necessary ordinances to carry into effect the provisions of this Act.

S. 376. To make it unlawful for any person, with intent to defraud, to make or utter a check or draft upon any bank, knowing at the time that he has no funds or insufficient funds with which to pay the same; to obtain money or other property or credit by check, draft or order which is not paid upon presentation; to fix the punishment for the violation of the provisions hereof, and to prescribe rules of evidence in prosecutions hereunder.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 861 (with substitute). To prescribe rules of evidence to apply in any investigation by the Alabama Public Service Commission of the rates, fares, charges, rules, regulations and practices of any public utility or transportation company subject to the jurisdiction of said Commission.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 870. To declare a lien in favor of landlords upon livestock raised, grown or grazed upon rented land or which has been permitted to run and feed upon crops grown on rented land, and to provide for the enforcement of such lien.

H. 891. To amend an re-enact an Act entitled an Act to create in all Cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census, or which shall have such population according to any such census that may be hereafter taken special funds to be known as Policemen's Pensions and Relief Funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pension and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years service; to provide for allowances or benefits to widows and children and dependent widowed mothers of such members of police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination

by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the County in which the city is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies, or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the Act being held unconstitutional shall not affect the validity of any other section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the Act be repealed. Approved February 16th, 1923.

H. 917. To fix the compensation or salary to be paid the Clerk of Courts of County Commissioners, Boards of Revenue and other Courts of like jurisdiction, in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken, and to regulate the payment of the same.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 373 (with substitute). Regulating the administration of Guardianships in the Chancery Courts or the Courts of like jurisdiction in this State.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 480 (with amendment). To enlarge and extend the jurisdiction of the Circuit Court of Tallapoosa County, Alabama, at Alexander City, in said County, and to provide for the holding of regular terms of said court.

Mr. Rives, Chairman of the Standing Committee on Privileges and Elections, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 195. To repeal Section 35 of an Act entitled an Act to regulate primary elections in the State of Alabama, enacted at the 1915 session of the Legislature of Alabama.

H. 301. To provide for the appointment of County Registrars, and the registration of electors in each county in the State of Alabama, to fix the compensation and prescribe the duties of the Registrars.

Mr. Long, Chairman of the Standing Committee on Commerce and Common Carriers, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 895. To amend Section 49 of an Act entitled, "An Act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operations of Public Utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the Commission's orders, and penalties for failure to comply with the orders of the Commission or with the provisions of this Act." Approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

H. 919. To allow railroads, steamship companies, and all common carriers of Alabama to sell at one-half fare transportation privileges to all Confederate Veterans and for other purposes.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 548. To make appropriation for the maintenance and support of the State Training School for Girls, and for the erection, repairing and equipment of buildings and purchasing furniture and equipment therefor and purchasing additional land.

H. 560. To create a Building Committee to be composed of members of the present Alabama Memorial Commission, to contract for, to supervise the building of, and to be clothed with full authority and power for and in behalf of the State of Alabama to acquire land and provide a building to be known as the Alabama Memorial Building, which building shall commemorate Alabama's part in the World War, and to consummate the form and design of the memorial as provided in Section 3 of the Act approved February 3, 1919 creating the Alabama Memorial Commission, and to provide an appropriation for the building,

and to provide other necessary means for the erection of said building.

H. 589. To make appropriations to the Alabama Boys' Industrial School.

H. 888. To appropriate Fifty Thousand (\$50,000) Dollars per annum for the calendar years of 1924, 1925, 1926, and 1927 to provide, build and procure suitable buildings, furniture and equipment for the Alabama Home for Mental Inferiors.

H. 912. To make an appropriation to the State Board of Education to be used for the purpose of erecting, repairing and equipping buildings at the State Secondary Agricultural Schools and for matching contributions made for such purposes.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 692 (with substitute). To encourage the building or construction of additional industrial plants in this State, by conferring power and authority upon the court of county commissioners, or other court having like jurisdiction, in any county in this state, to exempt from ad valorem county taxation, and upon municipal officers of any city or town of this state, invested with legislative powers in respect to other matters, power and authority, to exempt from ad valorem city taxes, the buildings or constructions of industrial plants, hereafter built or constructed, and also the shares of capital stock held by stock holders in corporations engaging in such building or construction, to the extent in value of such buildings or construction; for a period of five years from the date of the beginning of such construction.

Mr. Ashcraft, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 759 (with amendment). To provide for an addition to the Capitol Building and make appropriations for the construction of same.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 808. To establish a Law and Equity Court for Franklin County, to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide for trial tax fees; to provide that said court shall be open all times for the trial of cases and transaction of business; prescribing

rules and procedure of said court; to provide for an official court reporter for said court and fix his compensation; and to provide for the transfer of causes now or hereafter pending in the Circuit Court of Franklin County, Alabama, to the Law and Equity Court; to abolish the County Court of Franklin County and the office of Deputy Solicitor of Franklin County.

H. 822. To provide for the election of a county superintendent of education for Clarke County, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for the election ~~of his successor.~~

H. 823. To provide for the election of a county superintendent of education for Clay County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment; to define his qualifications, powers and duties, and to provide for the election of his successor in office.

H. 866. To provide for the election of a county superintendent of education for Bullock County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, to provide for a special election to be held to elect such county superintendent under this Act and to provide for the election of his successor in office.

H. 869. To provide for the election of a county superintendent of education for Fayette County, Alabama, fix his or her term of office, fix the qualifications, compensation and successor in office and prescribe his or her duties.

H. 876. To extend the terms of office of certain members of the Commissioners Court of Lauderdale County, Alabama, and to further prescribe the terms of office of members of the Commissioners Court of said county, and the time and manner of the nomination and election of members of the Commissioners Court of said county.

H. 878. To fix the time for holding the Jury Terms of the County Court of Lawrence County, Alabama.

H. 892. To establish an Inferior Court to be known as the Inferior Court of Autauga County, Alabama, in lieu of all Justices of the Peace and Notary Ex-Officio Justices of the Peace in Prattville Precinct, or Precinct No. 1 of Autauga County, Alabama; to define the jurisdiction and powers of said court and the Judges and other officers thereof; to provide a place for holding said court, for the terms, salaries and compensation for the Judge and other officers of said Court, and the manner of their appointment or election and the payment of their salaries; and to define the jurisdiction and powers of said court and the judge thereof.

H. 893. To abolish the office of Justices of the Peace and Notary Publics Ex-Officio Justices of the Peace in Precinct 1, Autauga County, Alabama.

H. 894. To require the several county officials of Autauga County, Alabama, to secure the approval of the Board of Revenue, before making any purchases for the stationery or supplies for their respective offices.

H. 902. To amend Section 1, of An Act entitled "An Act to amend an Act entitled 'An Act to incorporate the town of Sulligent in the County of Lamar, State of Alabama, approved Feb. 12th, 1897,' approved March 4th, 1907" so as to fix, define and enlarge the boundaries of the said town of Sulligent.

H. 903. To provide for the better construction, repairing, working and maintaining of the public roads and bridges in Lawrence County, Alabama, and to regulate and control the expenditures of the revenue obtained under the operations of an Act approved February 10, 1923, "imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels in this State; providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act," or any additional revenue from changes of or amendments to said Act during the session or sessions of the present Legislature; to provide that no part of said revenue shall be used for the payment of any debt or debts contracted or made prior to the passage of this Act; to provide for the crushing of stone and the expense thereof and the hire of a Road Foreman; to provide that beginning with January 1, 1924, not less than one-eighth of all monies obtained under this Act, changes of or amendments thereto, during any four year period, shall be used in each Commissioners District; that five per cent of the revenue so obtained for the four year period beginning January 1, 1924, shall be used in the purchase of ordinary road tools which tools shall be under the control of a bonded officer; to provide for the working of all persons subject to road duty in said county and the collection and disbursement of any moneys in lieu thereof; to provide that overseers keep a record and make reports to the Probate Judge, that overseers may be fined for mis-use of tools or embezzlement of money; that owners of large trucks or other vehicles shall be liable if responsible for damage to bridges; that the Board of Revenue shall be prohibited from classifying and taxing wagons or other vehicles owned by the producer and used exclusively or partly in the production or handling of farm products; that all funds of the county accruing from the automobile license tax

shall be used on the public roads and bridges; to provide for working convicts on roads of said county, to provide punishment for persons refusing or failing to work roads after legal warning, to provide that the Board of Revenue may impose a tax for road purposes on trucks, telegraph, telephone and express companies, sewing machine agents, lightning rod agents and circuses or traveling shows and to provide for the necessary blanks, books and stationery for the purposes of this Act.

H. 907. To abolish the office of the Board of Education of St. Clair County, Alabama.

H. 908. To provide for the election of a county superintendent of education for St. Clair County, Alabama: to fix his term of office; to prescribe his salary and the manner of payment; to define his qualifications, powers and duties; to provide for a special election to be held to elect such county superintendent under this Act, and to provide for the election of his successor in office.

H. 909. To provide for the election of three school trustees for each school district in St. Clair County, Alabama, and to prescribe their duties.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report with an amendment:

H. 937 (with amendment). To require the city council of the city of Gadsden to divide the city into five wards and to provide for the election of one Alderman from each ward and a Mayor at the next General Municipal election of the city of Gadsden to be held as now provided by law and to provide that said Mayor and five Aldermen shall constitute the governing board of the city of Gadsden on and after the first day of October, 1924, and to fix their term of office, their compensation and their duties and provide for the selection by the city council of a City Attorney and fix his compensation.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report with substitute:

H. 642 (with substitute). To prescribe the duties of sheriffs as to Inferior Criminal Courts and to fix the compensation of Sheriffs for executing process out of Inferior Criminal Courts and for other services rendered in or to such Courts, in all counties having a population of over eighty thousand according to the last Federal Census or which may hereafter have such population according to any Federal Census hereafter taken, in which the Sheriff is not on a salary basis under and by virtue of a

Constitutional amendment, and to provide the method of the payment thereof, and to repeal all laws, and parts of laws, general, local, private and special in conflict herewith.

H. 934 (with substitute). To provide for the manner of taxing, collecting, and disbursing Solicitors' fees in all judicial circuits in this State composed of only one county and having more than two and less than five Circuit Judges, and to provide that a portion of such fees may be expended by the Solicitor of such Circuit in the operation of his office and in the detection and prosecution of crime.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 352. To vacate, close and annul as public highways, streets or avenues of travel for the public use, that portion of Sixth Avenue, North, which lies between and formerly connected Eighty-seventh Street and Eighty-eighth Street near the Eastern city limits of the city of Birmingham, Alabama, and that portion of Eighty-eighth Street beginning where said Eighty-eighth Street connects with an Alley between Fifth Avenue Road and Arola Avenue, and running Northward to a point where said Eighty-seventh Street now connects with said Eighty-eighth Street, near the Eastern city limits of the city of Birmingham, Alabama, and, to further provide that the title to land comprising said portions of said Streets and Avenues shall revert to, and vest in the owners of the abutting property.

S. 365. To amend an Act entitled "An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said Court; a Judge, a Clerk, and other officers thereof; to provide a place for holding said Court; the terms, and salary of said Judge and officers of said Court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the Judge and other officers of said Court, and to amend the provisions as to the Judges, officers and employees of said Court, their number, appointment and authority, and to provide for the creation of an Ex-officio Judge of said Court, and to define his duties.

S. 398. To amend Section 7 of An Act approved March 31st, 1911, To better improve the public roads of Washington County, Alabama, and to make better provision for the working of said public roads, to divide said county into four road districts, and to provide for the election of a member of the Court of County Commissioners, as Road Supervisor for each of said Districts;

to provide the duties of said Road Supervisors; to require the overseers of public roads in Washington County, Alabama, to work under and in connection with the said Supervisors; to fix the pay of said Supervisors; to provide for reports of the said Supervisors and to provide a penalty for failure to comply with said law.

S. 399. To provide for the election of a county superintendent of education for Washington County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, to provide for the election of his successor in office.

Mr. St. John, Chairman of the Standing Committee on Corporations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 889 (with substitute). To require all persons or corporations operating a railroad in the State of Alabama to construct and maintain good and sufficient crossings on all streets or public crossings in this State and for the construction of new underpasses and new over-passes where any such railroad intersects public roads or streets within this State, and to prorate the expense between the person, firm or corporation operating any such railroad in the State of Alabama, and the county and municipalities affected; to confer power upon the State Highway Department, the various boards of revenue or county commissioners, and the various governing bodies in the different municipalities in this State, to carry the provisions of this Act into effect.

Mr. Rountree, Chairman of the Standing Committee on Banking and Insurance, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 227. To require insurance companies to do business of insurance in this State through licensed agents only. To provide for licensing insurance agents, to prescribe the method of investigating and hearing complaints against insurance agents by the Commissioner of Insurance, and to authorize the Commissioner of Insurance to revoke or suspend the license of insurance agents for cause.

S. 243. To create a Bureau of Insurance for the State of Alabama, in lieu of the Department of Insurance; defining the duties and powers of such Bureau; providing for the necessary officers and employees for such Bureau, and fixing their compensation; defining their duties and powers; and vesting such Bureau and officers with all the authority now exercised by any

other department and any other officers pertaining to the Insurance business in this State, thereby relieving such other Departments and officers of all duties and responsibilities relating or pertaining to the Insurance business in the State of Alabama.

S. 388. To regulate corporations engaged in the business of issuing guaranties of title to land.

S. 406. To require all insurance companies, associations or societies heretofore chartered by special act of the General Assembly of Alabama, or by special act of the Legislature of Alabama, to meet the requirements in all respects now provided by law for insurance companies, societies or associations.

Mr. Rountree, Chairman of the Standing Committee on Banking and Insurance, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 673 (with amendment). To amend Section 3, Section 4, Section 5, Section 7, Section 11 and Section 12 of an Act entitled "An Act authorizing and regulating certain classes of indemnity contracts, empowering corporations to make such contracts, and fixing certain fees and penalties for violation thereof, approved August 25, 1915."

Mr. Lewis Bowen, Chairman of the Standing Committee on Labor and Immigration, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report with amendment:

H. 369 (with amendment). To establish and maintain free employment offices and service for persons seeking employment and for employers seeking workers; to create the office of Director State Free Employment Service and provide for his appointment; to define his duties and authority; to fix his compensation; to authorize him to maintain offices and employ assistants; to provide for the expenses of the department; to appropriate money for the maintenance and expenses of the department and carrying on the duties thereof.

H. 497 (with amendment). To require all steam operated railroads to pay its employees earning less than three thousand dollars per annum, their earnings or wages every two weeks.

Mr. Grove, Chairman of the Standing Committee on Game, Fish and Forest Preservation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 610. To amend an Act approved Oct. 5, 1920, further regulating the killing of squirrels and prescribing the open and closed seasons as to.

H. 930. To provide for the preservation, development and improvement of the State's oysters and oyster beds; to provide methods for the removal of oysters from the waters of this State; to provide for planting seed oysters and oyster shells on barren bottoms and depleted areas in the waters of Alabama; to provide for the repeal of statutes relating to leasing oyster bottoms; to provide for revenue to carry on the development of the State's oyster reefs and oyster bottoms; to provide for a tax on oysters; and for other purposes.

Mr. Burns, Chairman of the Standing Committee on Agriculture, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report with substitute:

H. 572 (with substitute). To establish and maintain branch agricultural experiment stations, one upon each of the large soil types of the State as represented in the Tennessee valley, Appalachian Plateau, upper coastal plain, black belt, the wire grass section, and the fruit and trucking section of the lower coastal plain; to make it the duty of a commission, consisting of the director of the experiment station as chairman, the Governor of the State of Alabama, the Commissioner of Agriculture and two successful farmers, appointed by them, to locate the branch stations; to make it the duty of the Board of Trustees of the Alabama Polytechnic Institute to administer such branch agricultural experiment stations and to provide for carrying on investigations thereat, and to appropriate money for the expenses thereof; to authorize the Board of Trustees of the Alabama Polytechnic Institute to receive donations of land, houses, money or other things of value for the purpose of this Act from individuals, firms, organizations, corporations, or county municipal authorities.

H. 571 (with substitute). To provide for the establishment of demonstration farms at or near each of the several state secondary agricultural schools of Alabama, to provide for physical plants and equipment for such farms, to make appropriations for the maintenance thereof, and to provide for their management and control.

Mr. Grove, Chairman of the Standing Committee on Game, Fish and Forestry Preservation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 689 (with substitute). For the prevention of the pollution of the waters in the State of Alabama in such manner and to such extent as shall injure or destroy the lives of fish which may inhabit such waters.

The above and foregoing bills were severally read a second time and placed upon the Calendar.

By Mr. Byars:

H. 700. A bill to be entitled an Act to propose an amendment to the Constitution of Alabama permitting certain school districts in Lawrence County, Alabama, to levy and collect for school purposes a tax of five mills in addition to all taxes now authorized.

Be it enacted by the Legislature of Alabama:

Sec. 1. That the following amendment to the Constitution of Alabama is hereby proposed, to-wit:

Town Creek School District No. 59, Landersville School District No. 23 and Moulton School District No. 28 in Lawrence County, Alabama, shall each have the right and power by vote of a majority of the qualified electors of such district at an election held for that purpose to levy and collect for the purpose of acquiring, constructing or repairing of school buildings in such district, a tax of not over five mills in any one year, in addition to all other taxes now authorized by law. The election in such district to determine whether or not such tax shall be levied shall be called, held and conducted as now provided by law for calling, holding and conducting of elections to determine whether or not a three mill district school tax shall be levied and collected.

Sec. 2. This amendment shall be submitted to the qualified voters of the State at the general election held in the year 1924.

The above and foregoing bill proposing an amendment to the Constitution was read a second time at length and placed upon the Calendar.

H. 829. A bill to be entitled An Act to submit to the qualified voters of the state at the general election to be held on the next regular general election day in November, 1924, for their consideration to amend section 219 of the Constitution of Alabama, so as to read as follows: The Legislature may levy a tax of not more than ten per centum of the value of all estates, real and personal, money, public and private securities, or interest therein, transferred by the intestate laws of this state or by will, deed, grant, bargain, sale or gift, made or intended to take effect in possession after death of grantor, deviser, or donor, to any person, or persons, bodies politic or corporate, in trust or otherwise, where the value of the estate is greater than \$50,000, or is greater than \$10,000, where the estate does not pass to the father, mother, husband, wife, brothers, sisters, or children of deceased.

Be it enacted by the Legislature of Alabama:

Sec. 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, viz: That section 219 of the Constitution of Alabama be amended to read as follows: The Legislature may levy a tax of not more than ten per centum of the value of all estates, real and personal, money, public and private securities, or interest therein, transferred by the intestate laws of this state, or by will, deed, grant, bargain, sale, or gift, made or intended to take effect in possession after death of the grantor, deviser, or donor, to any person, or persons, bodies politic or corporate, in trust or otherwise, where the value of the estate is greater than \$50,000, or is greater than \$10,000 where the estate does not pass to the father, mother, husband, wife, brothers, sisters or children of deceased.

Sec. 2. That it shall be the duty of the Governor to give notice by proclamation to be published in all newspapers in every county in the state at least eight successive weeks next preceding the general election in November, 1924, of the election on the amendment proposed by this act to be submitted to the voters of the state for their consideration, together with the proposed amendment.

Sec. 3. That at the general election in November, 1924, an election shall be held for the vote of the qualified electors of the state upon the proposed amendment. Upon the ballots used at said election shall be printed the following, viz: "Amendment to Constitution," and beneath these words the following: "Shall Section 219 of the Constitution be amended to read as follows: The Legislature may levy a tax of not more than ten per centum of the value of all estates, real and personal, money, public and private securities, or interest therein, transferred by the intestate laws of this State, or by will, deed, grant, bargain, sale, or gift, made or intended to take effect in possession after death of the grantor, deviser, or donor, to any person, or persons, bodies politic or corporate, in trust or otherwise, where the value of the estate is greater than \$50,000 or is greater than \$10,000 where the estate does not pass to the father, mother, husband, wife, brothers, sisters or children of deceased." Following the proposed amendment on the ballot shall be printed the words "yes" and immediately thereunder the word "no." The choice of the elector shall be indicated by a cross mark made by him, or under his direction, opposite the word expressing his desire.

Section 4. That the officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the election law of the state for the appointment of officers to hold general elections in this State, and

the election shall be held in all things in accordance to the law governing general elections, and with the constitutional provisions concerning amendments to that instrument.

Section 5. That the votes cast at said election shall be counted, canvassed and tabulated, and the returns thereof made to the Secretary of State in the same manner as in elections of Representatives to the Legislature, and if it thereupon appear that a majority of the qualified electors who voted at such election on the proposed amendment voted in favor of the same, such amendment shall be valid in all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

The above and foregoing bill proposed an amendment to the Constitution was read a second time at length and placed on the Calendar for a third reading.

S. 161. A bill to be entitled an Act to provide for and submit to the qualified electors of the State of Alabama, at an election to be held at the next General Election, after the final adjournment of the present session of the Legislature, at which this amendment is proposed; an amendment to the Constitution of Alabama; whereby Mobile County may levy and collect, for public school purposes, through its duly constituted governing authorities, a rate of taxation, on the property situated therein, not exceeding in the total in any one year, one-fifth ($1/5$) of one (1) per centum of the value of such property, as assessed as provided by the Constitution and statutes now existing or hereafter enacted pursuant to the Constitution, in addition to taxes levied under and pursuant to Section 215 of the Constitution of Alabama, of 1901, and in addition to taxes levied under and pursuant to Article XIX of the said Constitution, which Article XIX was added thereto by amendment; and whereby the existing legislation intended to empower the said county to levy and collect such taxation, is validated and confirmed.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama, is hereby proposed to be submitted to the qualified electors of the State of Alabama, for their consideration at an election to be held at the next General Election after the final adjournment of the present session of the Legislature, at which this amendment is proposed, to-wit:

The County of Mobile, through its constituted governing authorities, may levy and collect for public school purposes a rate of taxation, on the property situated therein not exceeding in the total of any one year, one-fifth ($1/5$) of one (1) per centum of the value of such property as assessed as provided by the Constitution of Alabama and the statutes now or hereafter

enacted pursuant to the said Constitution of Alabama, which said one-fifth ($1/5$) of one (1) per centum shall be in addition to taxes levied and collected under and pursuant to the authority of Section 215 of the Constitution of Alabama of 1901, and taxes levied and collected under and pursuant to Article XIX of the Constitution of Alabama of 1901 which Article XIX was added to the said Constitution by amendment; and existing laws attempting or purporting to authorize, empower and direct the said constituted authorities of the County of Mobile to levy and assess such a special tax in addition to the taxes levied and collected under and pursuant to Section 215 of the Constitution as aforesaid and taxes levied and collected under and pursuant to Article XIX of the Constitution as aforesaid, are hereby validated and confirmed.

Section 2. That it shall be the duty of the Governor of the State of Alabama, to give notice, by Proclamation, of the fact that such election will be held on the day hereby appointed for action by the electorate upon the amendment hereby proposed by this Act to be submitted to the qualified electors of the State for their consideration; and such Proclamation shall also set out the proposed amendment. The said Proclamation shall be published in one newspaper in each county in the State for at least eight successive weeks next preceding the day hereby appointed for the said election.

Section 3. That at said election on the amendment proposed by this Act to be submitted to the qualified electors of the State of Alabama, for their consideration, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election, there shall be printed the following:

"Shall the following be adopted as an amendment to the Constitution of the State of Alabama: The County of Mobile, through its constituted governing authorities, may levy and collect for public school purposes, a rate of taxation, on the property situated therein, not exceeding in the total of any one year, one-fifth ($1/5$) of one (1) per centum of the value of such property, as assessed as provided by the Constitution of Alabama and the statutes now or hereafter enacted pursuant to the said Constitution of Alabama, which said one-fifth ($1/5$) of one (1) per centum shall be in addition to taxes levied and collected under and pursuant to the authority of Section 215 of the Constitution of Alabama, of 1901, and taxes levied and collected under and pursuant to Article XIX of the Constitution of Alabama of 1901, which Article XIX was added to the said Constitution by amendment; and existing laws attempting or purporting to authorize, empower and direct the said constituted authorities of the County of Mobile to levy and assess such a special tax in addition to

the taxes levied and collected under and pursuant to Section 215 of the Constitution as aforesaid and taxes levied and collected under and pursuant to Article XIX of the Constitution as aforesaid are hereby validated and confirmed."

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by a cross mark made by him, or under his direction, opposite the word expressing his desire.

Section 4. That the officers who hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the general election laws of the State of Alabama for the appointment of officers and the holding of general elections in this State, and the election shall be held under and in all things governed by and had in accordance with the Constitutional provisions touching amendments to the Constitution of Alabama, and the general election laws of the State of Alabama.

Section 5. That the votes cast at said election shall be counted, canvassed and tabulated and return made to the Secretary of State in the same manner as in elections of Representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of the same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such part of the Constitution.

Section 6. The result of such election shall be made known by Proclamation of the Governor.

Section 7. The expenses of the election herein provided for and the costs of the publication of the notices, shall be paid out of the State Treasury in the same manner that the expenses of general elections are paid.

The above and foregoing bill was read a second time at length and placed on the Calendar for a third reading.

BILLS REPORTED ADVERSELY.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 720. To authorize the Governor of the State of Alabama, for and in the name of and in behalf of the State of Alabama, to rescind any contract of purchase of land at the request of the grantor, and reconvey the land in cases where the land was conveyed to the State with the understanding or agreement that

a school or other institution was to be established and or maintained by the State thereon, if the State by and through its proper officers has abandoned the use of the land for which it was acquired; provided the purchase price paid for such land and value of permanent improvements erected by the State on the land, less a credit for any and all money collected by the State as a result of fire or other casualty, or in any way on account of said land or any part thereof, is refunded to the State at the time of reconveyance.

Mr. Rives, Chairman of the Standing Committee on Privileges and Elections, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 130. To repeal section 26 of an act entitled an act to regulate primary elections in the State of Alabama.

H. 245. To regulate elections; to provide for the registration of electors and the preparation and furnishing of a list of qualified electors to the election inspectors, and to Secretary of State.

H. 544. To amend Section one of an act approved October 2, 1920 entitled an act to regulate elections; to provide for the registration of electors and preparation and furnishing of a list of qualified electors to the election inspectors.

H. 631. To provide for the registration of electors.

H. 772. To amend sections 1 and 4 of an act entitled "An Act to regulate elections; to provide for the registration of electors, and the preparation and furnishing of a list of the qualified electors to the election inspectors," approved Oct. 2, 1920.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 273. To provide for the disposition of moneys accruing to the credit of specific funds, which moneys are set aside in the State Treasury to the specific credit of that fund.

H. 684. To provide any person, firm or corporation, owning or operating a hospital in Alabama, shall receive credit upon all amounts due for taxes to the State of Alabama, to any County or Counties in Alabama, and to any municipality or municipalities in the State of Alabama, for charitable work that may have been done during any tax year, in the State of Alabama.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 161. A bill entitled an Act to amend Section 5 of an Act entitled an Act to provide for and require all county officers of all counties in Alabama now having or which may hereafter have, a population of as much as 150,000 people according to the last Federal census, or any other such census which may hereafter be taken, to install, equip, and maintain, in addition to their office at the county sites of such county, officers at each other place in such counties where a circuit court or court of like jurisdiction is now authorized by law to be held, or where such court may hereafter be authorized by law to be held, for the transaction of all business pertaining thereto, that may arise in or be connected with that part of such county within which the cases arising therein, may be tried in such circuit court or court of like jurisdiction at such place, to provide for the selection, qualification and compensation and fix the powers and duties of the deputies of the respective officers of such county to act for and assist such officers in the discharge of their duties in connection therewith, to fix the duties of the respective county officers of such counties with respect thereto; to provide equipment for such offices, including stationery, records, books, dockets, furniture, filing cases, and other equipment for such offices, similar to that kept in the respective offices of such counties at the county site; to prescribe the business of the respective offices and officers of such counties that shall be transacted at such places; to prescribe and regulate the instruments recorded therein, and to otherwise provide for the installation, equipment and maintenance of such offices and officers at such places for the transaction of all business pertaining to such offices and officers that may arise within such territory of such counties. Approved September 16, 1915.

Mr. Rountree, Chairman of the Standing Committee on Banking and Insurance, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 505. To create a Bureau of Insurance for the State of Alabama, in lieu of the Department of Insurance; defining the duties and powers of such Bureau; providing for the necessary officers and employees for such Bureau, and fixing their compensation; defining their duties and powers; and vesting such Bureau and officers with all the authority now exercised by any other Department and any other officers pertaining to the Insurance business in this State, thereby relieving such other Departments and officers of all duties and responsibilities relating or pertaining to the insurance business in the State of Alabama.

H. 507. To amend an act entitled "An Act to create the office of state fire marshal, and to provide for the appointment of deputy marshals and assistants, to define their powers and duties and to fix their compensation; provide ways and means for the enforcement of this act and penalties for violation thereof; and to provide means for defraying the expenses incurred under the provisions hereof," approved September 30, 1919.

H. 725. To regulate corporations engaged in the business of issuing guaranties of title to land.

H. 775. To require all insurance companies, associations or societies heretofore chartered by special act of the General Assembly of Alabama, or by special act of the Legislature of Alabama, to meet the requirements in all respects now provided by law for insurance companies, societies or associations.

Mr. Bowen, Lewis, Chairman of the Standing Committee on Labor and Immigration, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 364. To establish and maintain free employment offices and service for persons seeking employment and for employers seeking workers; to create the office of Director State Free Employment Service and provide for his appointment; to define his duties and authority; to fix his compensation; to authorize him to maintain offices and employ assistants; to provide for the expenses of the department; to appropriate money for the maintenance and expenses of the department and carrying on the duties thereof.

Mrs. Wilkins, Chairman of the Standing Committee on Public Health, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 289. To regulate of the occupation of a barber in certain cities with the State of Alabama, and to provide for the registering and licensing of persons to carry on such practice, and to insure the proper sanitary conditions in Barber Shops, and prevent the spreading of disease in the State of Alabama, to establish a Board of Barber Examiners, to carry out the purpose of this Act, and to prescribe punishment therefor and for other purposes."

H. 790. To create a Board of Chiropractic Examiners and to regulate the practice of Chiropractic and to prohibit the practice of any other mode or system under the name of Chiropractic.

Mr. Grove, Chairman of the Standing Committee on Game, Fish and Forestry Preservation, reported that said Committee,

in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 191. To provide a special privilege license on dealers in seines.

H. 728. To amend Section 6899 of the Code of Alabama of 1907.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 296. To amend an Act to establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said Court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; and to provide for the transfer of certain causes now or hereafter pending in the Circuit Court of Morgan County, Alabama, to the Morgan County Court. Approved September 24, 1919.

Also:

S. 371. To increase the power and authority of Courts of County Commissioners and Courts of like jurisdiction in the acquisition by leasing, or otherwise, and in the maintenance and operation of bridges over navigable or other streams, and to authorize the expenditure of county funds for said purpose. To authorize and empower said Courts to contract for and take over by lease, or otherwise, the operation of bridges over navigable or other streams and to maintain the same as public highways; to authorize said Courts to expend county funds in carrying out said contracts, in payment of lease hire, in the cost of maintenance, in paying for liability incurred by the Counties to the owners or lessors of such bridges, on account of accidents or injuries that may arise from their operation; to contract with other Courts of County Commissioners or courts having like jurisdiction, for the joint taking over and operation of bridges; to lease, maintain, guard and keep in repair, such bridges, whether they lie in part or wholly within the limits of any incorporated municipality and to ratify and confirm all contracts heretofore made by any Court of County Commissioners or Court of like jurisdiction, whether with each other or with private parties for the taking over, maintenance, leasing and operation of bridges and all payments heretofore made by any County of this State through its properly authorized officers on account of such contracts or operations, or on account of pre-existing contracts or operations.

Also:

S. 252. To amend an Act entitled "An Act to regulate public schools in the county of Mobile," approved February 15, 1876 by amending section 7 thereof so as to relieve the county superintendent of education from the duty of collecting, receiving and disbursing the revenue of the board of school commissioners of Mobile county; and by adding another section to empower and require the said board to elect a treasurer of the board of school commissioners of Mobile county and to fix his term of office and salary, the said section to prescribe his duties and to require him to execute a bond for the faithful performance of his duties.

Also:

S. 341. For the relief of W. M. Teal and the estate of B. C. Cox.

Also:

S. 339. To provide and prescribe the manner and method by which changes and alterations in the form of government of cities having a population of 100,000 or more according to the last or any subsequent Federal census may be adopted, and to provide when such change or changes shall become effective.

Also:

S. 355. To amend section 1 of an Act entitled: "An Act to establish a new charter for the town of Hartselle, in Morgan county," approved February 18th, 1899, and as amended by an Act approved August 2nd, 1907.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Foster:

S. J. R. 134. Be it resolved by the Senate of Alabama, the House of Representatives concurring, that:

Whereas, It is the sense of the Legislature of Alabama that the water-power resources of Alabama constitute one of the State's greatest, most valuable and most enduring assets, and it

is of vital interest to our people that these resources be developed according to a wise, well-considered and comprehensive plan that will assure the people that such resources will be developed in such manner, and the people's interest therein will be so safeguarded that the value of this great asset shall be properly conserved for the lasting benefit of the State; and,

Whereas, The National Government under the provisions of the Federal Constitution giving it control over navigable streams in the matter of navigation, has assumed certain jurisdiction over the development of water-power upon such navigable streams and upon such non-navigable streams as directly and materially contribute to or affect the flow of navigable streams; and,

Whereas, The Federal Government has already undertaken to make a survey of a large part of such streams, in Alabama, with special reference to the water-power possibilities thereof; and,

Whereas, In our judgment it is necessary to enable both our State in its proper sphere, and the Federal Government in its proper sphere, to guide, direct and properly control such development so that the public interest shall best be conserved, that complete survey be made of all such streams over which the Federal Government by its agencies has assumed such jurisdiction, in Alabama, with respect to the location and availability of all such power sites thereon, of material consequence, together with the estimated horse-power that can probably be developed thereat, and all such other information which in the judgment of Congress and of the engineers in charge of such survey is material and necessary to enable the State of Alabama to outline and establish a wise, practicable, comprehensive plan for the development of all such resources in this State; and,

Whereas, Such resources in Alabama under existing conditions are now being developed, but in a piecemeal fashion, and it is of the utmost importance that the survey herein requested be made as soon as possible:

Now, therefore, be it resolved: That we, the Senate and House of Representatives of Alabama in regular session assembled, do hereby memorialize and respectfully urge the Congress of the United States to make provision, at its next session, for an extension of such survey work to be made at the earliest date practicable, so as to include all such streams in Alabama; and,

We further memorialize and urge the Senators and Representatives from Alabama in the Congress of the United States to take, as soon as possible, such steps as are necessary and proper to bring this matter before Congress and to obtain such action by Congress as is necessary to effect the survey herein mentioned;

That a copy of this resolution be promptly furnished, after its passage and approval, to each of the Senators and Representatives in Congress from Alabama.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Ashcraft of Lauderdale, the House concurred in and adopted S. J. R. No. 134, which is set out in the ~~above~~ and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following bills and sends same herewith to the House :

By Mr. Brower (By request) :

S. 259. To prevent any person who hires or obtains from another for any lawful purpose or rents an automobile from taking or removing same or causing or allowing same to be taken or removed out of the State of Alabama without the consent of the owner, not intending to return same to its owner; providing punishment therefor; and providing that such taking or removal from the State of Alabama shall be prima facie evidence of the intent not to return same to its owner.

Also :

By Mr. Inzer :

S. 407. To provide for the establishment of county boards of child welfare; to define the duties, powers and functions of such boards; to provide for the employment of county superintendents of child welfare and assistants, to prescribe their duties, powers and functions, and to provide for their compensation and expenses; to provide for an office for the county board nad superintendent of child welfare; to provide for the co-operation of county boards of child welfare with city boards or departments of public or child welfare; to authorize the governing body of any city, town or municipality in the county to make appropriation to aid in the payment of the salary and expenses of the county superintendent of child welfare and his assistants.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one

time and referred to appropriate Standing Committees as follows:

Judiciary, S. 259, S. 407.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 574. To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than one hundred and fifty thousand, according to the last or any subsequent Federal census, special funds to be known as "Police-men's and Firemen's Pension and Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to member of the police and fire departments in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall hear and decide applications for pensions and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police and fire departments in said cities during their disability, and for the retirement of such members on pension, either by reason of term of office or disability; to provide for the pensioning of members of such police and fire departments after service therein: to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the county in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a board of pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

Also:

H. 539. To provide for and create a lien in favor of all owners of peanut machines or pickers in the State of Alabama; to provide for the enforcement of such lien.

Also:

H. 322. To amend Sections 7, 8, 13, 23, 28, 29, 36, 39 and 41 of an Act entitled "An Act, to regulate and provide for the military forces of the State of Alabama, and to promote its efficiency; to prescribe rules, regulations and means for its organization, armament, equipment, discipline, control and supervision; to provide for its maintenance, support and upkeep; to provide means for the enforcement of this Act; and to fix penalties and punishments for the violation of this Act." Approved September 19, 1919 and October 5, 1920.

Also:

H. 312. To amend the caption, and sections one, two, three, four, five, six, seven, and eight of "An Act to establish a child welfare department for the State of Alabama, to prescribe its duties, functions, and powers, and to provide for the appointment of an executive and other officers of such department, to define their duties, to provide for their compensation, and to provide for the maintenance and other expenses of such department, and to confer on said department all the duties, powers, and authority heretofore conferred on the State Prison Inspector insofar as his duties, powers, and authority relate to children under 16 years of age;" approved September 25, 1919; and section nine (9) of said Act as amended by an Act approved September 27, 1920.

Also:

H. 736. To fix the compensation or salaries of tax assessors and tax collectors in counties of 200,000 inhabitants, or more, according to the last or any subsequent Federal census; and to require such officers to pay into the county treasury of such county, or counties, all fees, commissions, costs or other emoluments which are now allowed by law.

Also:

H. 659. To amend the title, and Sections one, four, six, seven, eight, nine, eighteen, twenty-seven, thirty and thirty-three of an Act entitled: "An Act to regulate inferior courts or courts of common pleas, or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand, and less than fifty thousand population, according to the last or any subsequent Federal census; to provide and define the jurisdiction and powers of such courts; to provide for the judges and officers of such courts, and their powers, duties and compensation and to fix the fees and costs for such courts; to provide the rules of procedure for such courts; and for the operation thereof; and to provide for registering, and a lien for its judgments; and to abolish justices of the peace in such cities," approved February 19, 1919, found in the General Acts of Alabama, 1919, pages 155 to 163, inclusive.

Also:

H. 362. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, including within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53, and 55, as now constituted, to define the jurisdiction and powers of said court, the judge, clerk, and other officers thereof; to provide for a place for holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

Also:

H. 49. To further provide for and regulate the payment of pensions to Confederate soldiers and sailors and their widows, and to make necessary appropriation therefor.

Also:

H. 220. To provide for the care, upkeep, custody and management of the building and grounds opposite the capitol grounds and known as the First White House of the Confederacy, and to make appropriation therefor.

Also:

H. 519. To amend an Act entitled "An Act to provide a manner of selling all of the property of a private corporation," approved April 21st, 1911.

Also:

H. 503. To provide and regulate further appeals to the Supreme Court from interlocutory judgments, decrees and orders.

Also:

H. 172. To require sheriffs and clerks of Courts of record to prorate costs as collected in proportion, as each is entitled.

Also:

H. 479. To divide Tallapoosa county, Alabama, into five commissioners' districts and provide for the election of the commissioners from each of said districts.

Also:

H. 334. To amend sections 1 and 2 of article 29 of an Act to provide a complete educational system for the State of Alabama; to provide a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the dis-

strict tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State superintendent of education and to fix his compensation; to provide for the organization of the State department of education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education; to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties, to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school-houses, and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform text books throughout the State and to authorize the creation of a State text-book committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high school may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing

the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State secondary agricultural schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State normal schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama School of Trades and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment, the length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and the Alabama School for Negro Deaf and Blind, to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto, and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to

make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this Act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this Act and to provide for the repeal of inconsistent laws enacted heretofore. Approved September 26, 1919.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

BILL ON THIRD READING.

H. 838 (with amendment). To provide for the selection of delegates to any National Party Convention whenever a citizen of the State of Alabama is a candidate for the nomination by any political party as its candidate for election as President of the United States.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Judiciary, said amendment being as follows:

Amend H. 838 as follows:

"It shall be the duty of each candidate who desires to have his name placed upon the ballot in such primary, to file a written declaration, signed by himself in person, and acknowledged before some officer authorized under the laws of Alabama to take acknowledgments and under his seal, in the office of the Secretary of State, and with the Chairman of the Executive Committee of the party, on or before January 1st of the year in which said nomination is to be made, declaring his candidacy for the nomination of such party as its candidate for election as President of the United States, and the name of no candidate who has not qualified as provided above shall be placed on said ballot. There shall be no second choice voting in such primary. Provided two delegates and two alternates shall be appointed from each Congressional District in the State and four delegates and four alternates from the State at large."

On motion of Mr. Tunstall the amendment reported by the Standing Committee on Judiciary was laid upon the table.

Mr. Verner offered the following amendment to the bill:

Amend Section 1 of House Bill 838 so that the same shall read as follows:

"Section 1. That whenever a citizen of the State of Alabama is a candidate for the nomination by any political party as its candidate for the election as president of the United States and files his declaration of such candidacy on or before January first of the year in which the nomination is to be made, which declaration shall be signed by the candidate in person and acknowledged before some officer authorized by the laws of Alabama to take acknowledgment, and which said declaration shall be filed in the office of the Secretary of the State of Alabama and with the chairman of the State Executive Committee of the political party, a primary election shall be held on the second Tuesday of March of the year in which said nomination is to be made for the expression by such political party of its preference of the candidate for such nomination. All candidates qualified under this Act shall have their name placed upon the ballot and no other name shall be placed upon the ballot. There shall be no second choice voting in such primary."

Also amend Section 3 by adding thereto "provided two delegates and two alternates shall be certified from each Congressional district in the State and four delegates and four alternates from the State at large, or provided further, that the number of delegates to which the State of Alabama is entitled in such National Convention may be doubled each to have one-half vote, in which case at least four shall be appointed from each Congressional district."

And the amendment offered by Mr. Verner was adopted.

Yeas, 62; nays, 3.

Yeas:

Messrs:

Mr. Speaker	Deloney	Howard	Posey
Adams	Dickinson	Howze	Ringer
Adcock	Dowdle	Kilpatrick	St. John
Allen	Dunwoody	Lee	Sanders (Pike)
Ashcraft (Fayette)	Embry	Letson	Sessions
Ashcraft (Lauderdl.)	Fanning	Long	Smith (Clay)
Bealle	Fite	McDaniel	Smith (Jefferson)
Boykin	Gaines	McGowen	Sollie
Burns	Goode	Melton	Stewart (Calhoun)
Burton	Goodwyn	Mooneyham	Tiller
Calloway	Graves	Moxley	Tunstall
Cato	Grove	Nichols	Verner
Christian	Hatter	Odom	Walker
Coleman	Henson	Parker	Williams
Cook	Hodgson	Patterson	Young
Culver	Holcombe		

Nays:

Messrs:

Bowen, Lewis

Byars

Rives

—3

And the bill,

H. 838. To provide for the selection of delegates to any National Party Convention whenever a citizen of the State of Alabama is a candidate for the nomination by any political party as its candidate for election as President of the United States.

As amended, was read a third time at length and passed.

Yeas, 57; nays, 10.

Yeas:

Messrs:

Mr. Speaker

Embry

Jones

Patterson

Adams

Ferrell

Kilpatrick

Poole

Adcock

Fite

Lee

St. John

Allen

Forman

Long

Sanders (Pike)

Arrington

Gaines

Luck

Sessions

Ashcraft (*Fayette*)

Goode

McDaniel

Smith (Clay)

Ashcraft (*Lauderd'*)

Goodwyn

McGowen

Sollie

Bealle

Graves

Melton

Stewart (Calhoun)

Blackwell

Hatter

Mooneyham

Tunstall

Cato

Henley

Moxley

Varner

Coleman

Hodgson

Nichols

Verner

Culver

Hornsby

Norman

Walker

Deloney

Howze

Odom

Wall

Dowdle

Hubbard

Parker

Williams

Dunwoody

—57

Nays:

Messrs:

Bowen, Lewis

Henson

Letson

Tyson

Byars

Jeter

Ringer

Walton

Glover

Kilborn

Rives

—11

On motion of Mr. Verner, the bill H. 838 was ordered sent forthwith to the Senate without engrossment.

BILL ON THIRD READING.

S. 337. To amend Section 5534 of the Code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 67; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Boykin

Deloney

Glover

Adams

Burns

Dowdle

Goode

Allen

Byars

Dunwoody

Goodwyn

Ashcraft (*Fayette*)

Cato

Embry

Grove

Ashcraft (*Lauderd'*)

Christian

Fanning

Guy

Bealle

Coleman

Fite

Hall

Bowen, Lewis

Cook

Forman

Henley

Bowen, L. K.

Culver

Gaines

Henson

Hodgson	McDaniel	Posey	Tiller
Hornsby	McGowen	Ringer	Tyson
Jeter	Mooneyham	Rives	Walker
Jones	Moorer	Sanders (Pike)	Wall
Kilborn	Moxley	Sessions	Walton
Lee	Norman	Smith (Clay)	Ware
Letson	Odom	Smith (Lee)	Williams
Long	Parker	Sollie	Young
Luck	Patterson	Stewart (Calhoun)	

—67

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 646. To provide further for the construction, repair and maintenance of the public roads and highways of Morgan County, Alabama, so as to create a superintendent of roads for Morgan county, Alabama, to be known as the road superintendent; to provide for the appointment thereof by the Governor; to vest him with full, complete, and unlimited jurisdiction over the public roads, bridges and ferries in Morgan County; to prescribe and define his powers and duties as such Road Superintendent, and to repeal all laws and parts of laws in conflict therewith; to provide for the establishment of a public road fund and for the levying of certain taxes for the benefit of the public roads; to authorize the Superintendent to take charge of all public road tools and machinery belonging to the County; and to levy and collect special privilege license tax for the construction and maintenance of public roads, bridges and ferries in the County; to authorize the Superintendent of Roads to exercise all the legislative, judicial and executive authority over the public roads, bridges, and ferries, to fix penalties for the violation of this Act; to provide for the election and the term of office of the Road Superintendent; to provide for the appointment of beat supervisors, and the registering of all males subject to public road duties; to provide for the exemption of those subject to road duty by the payment of a prescribed sum; to provide for the working of the public roads, and the investigation of all the acts of the Road Superintendent by the Grand Jury of Morgan County; provide for the keeping of the Road Superintendent's account; to provide for the exercise of the right of eminent domain, and for the employment of road overseers; to fix the salary of the Road Superintendent, and the beat supervisors; to provide penalties for the failure to work upon the public roads, and for the prosecution of road defaulters; to provide for the giving of notice to those liable for road duty; to provide for the buying

of tools and machinery, and the location and operation of the same.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Forman the House concurred in and adopted the Senate amendment to the bill H. 646, said Senate amendment being as follows:

Amend Section 6 by adding at the end thereof the following: "Copies of all orders establishing new roads and changing old roads, together with the deeds for rights-of-way must be filed in the office of the Judge of Probate for permanent record."

By striking out Section 42 and adding in lieu thereof the following:

"Section 42: The privilege tax or license herein and hereby levied, shall be due and payable at the same time that State and County Licenses are due and payable, and shall be procured from the office of the Judge of Probate as the State and County Licenses are procured, and the same penalties and fees are prescribed by law for delinquent licenses under the State License Law are hereby assessed against delinquents hereunder, and the State License Inspector or other officer charged with the duty of enforcing the payment of delinquent licenses under the State law shall be and is hereby charged with the enforcement of this act, and shall be paid therefor the same fees and commissions as under the State Law."

Section 42½: In addition to any other remedy herein contained, it is made the duty of the Road Supervisor to prosecute all delinquents hereunder as speedily as such delinquency comes to his knowledge; and in such cases, it shall be sufficient to charge any delinquent with having failed or refused after notice to procure a license as provided by this act (here set out the kind or nature of license) against the peace and dignity of the State of Alabama. All such delinquencies are hereby declared to be misdemeanors, and are triable in the County Court of Morgan County, and on conviction, must be fined not less than the license fee and delinquent fees and costs, and as much more as the court or jury trying the case may determine to be right and just in the premises.

Section 42-A: The Clerk of the Court upon the payment of such fines, shall pay over to the Judge of Probate, the license, together with the penalty and fees thereon, and any surplus fines he must pay into the fine and forfeiture fund of the County."

By striking out Section 56 and adding in lieu thereof the following:

"Section 56: The Road Superintendent shall make out in writing a requisition directed to the Judge of Probate for a warrant payable to each person or persons to whom he is indebted, showing to whom and for what such indebtedness is due, and the Judge of Probate shall thereupon issue his warrant drawn against the Special Fund created by this act, payable in the amount and to the person directed in said requisition, and deliver the same to the Road Superintendent who shall countersign the same before delivery.

Section 57: For his services as herein set out in the preceding section and for any and all services rendered by him to the Road Superintendent in the preparation of his necessary blanks, books and records, or in any matter of advice or assistance desired by the Road Superintendent, and for a performance of duties required by this act relative to collection of taxes the Judge of Probate shall receive as compensation the sum of Two Hundred Dollars per quarter, payable as other claims under this act. Said compensation shall be in lieu of all compensation provided by law for any service relative to the public roads, highways and bridges of Morgan County, Alabama, including the compensation provided by Article Four of Local Act App. September 29, 1919, pg. 258 of Local Acts 1919

Amend Section 40 by adding after words "saw mills" where it appears in said section the words "planing mills."

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Jones	Ringer
Adams	Ferrell	Kilborn	Rives
Adcock	Fite	Lee	Rountree
Allen	Forman	Letson	St. John
Boykin	Glenn	Long	Sollie
Burns	Glover	Love	Tiller
Burton	Goode	Luck	Tyson
Byars	Graves	Melton	Varner
Cato	Grove	Moorer	Verner
Cook	Guy	Nichols	Walker
Culver	Hall	Odom	Wall
Deloney	Hatter	Parker	Walton
Dickinson	Henson	Patterson	Ware
Dowdle	Howze	Poole	Williams
Embry	Jeter	Posey	Young

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CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours

named, and that I hold the receipts of the executive department for same.

Delivered to Governor September 6, 1923, at 12:30 A. M.

H. 362.

Also:

H. 49.

Also:

H. 220.

Also:

H. 519.

Also:

H. 503.

Also:

H. 172.

Also:

H. 479.

Also:

H. 322.

Also:

H. 312.

Also:

H. 736.

Also:

H. 574.

Also:

H. 539.

Also:

H. 659.

Also:

H. 334.

J. H. Stewart,
Clerk.

BILL ON THIRD READING.

S. 172 (with substitute). To amend an Act approved October 31, 1921, entitled An Act to provide further for the construction, repair, and maintenance of the public roads, bridges and highways in this State.

Was taken up. The question was upon the adoption of the substitute, reported by the Standing Committee on Public Roads and Highways, said substitute being as follows:

Committee substitute for S. 172:

A BILL.

To be entitled An Act to provide further for the construction, repair and maintenance of the public roads, bridges and

highways in this state and for the bridging of streams wholly or partially within this state.

Be it enacted by the Legislature of Alabama:

Section 1. a. There is hereby created a Highway Department for the State of Alabama, which shall consist of a chairman and ten associate members to be appointed by the Governor.

b. The Chairman shall be appointed by the Governor from the State at large. He shall be a qualified elector and shall reside in Montgomery during his term of office and shall devote all of his time to the Business of the Commission.

c. Each of the associate members shall be qualified electors and no two of which shall reside in the same congressional district.

d. The Chairman of the Commission shall hold office for a period of four years from the 15th day of January, 1923, and until his successor is elected and qualified, unless sooner removed from office, as provided in this Act.

e. The four first appointed associated members shall hold office for a period of two years from the 15th day of January, 1923. The next four appointed associate members shall serve for a term of four years from said date, and the two last appointed associate members shall serve for a term of six years and until their successors are appointed and qualified, after which the term of each appointed associate member shall be six years and until their successors are appointed and qualified, unless sooner removed as provided in this Act. All vacancies in the appointive membership shall be filled by appointment by the Governor for the unexpired term.

f. Five of the associate members, together with the chairman shall constitute a quorum for the transaction of business, after due notice to all members in writing of the time, place and date of the meeting by the Secretary of the Commission.

g. In case of the absence of the Chairman, a chairman protempore may be nominated by the associate members, provided as many as six are present, which nomination shall forthwith be transmitted to the Governor by the Secretary, and, when approved by him, said chairman protempore shall be empowered to act as chairman of said Commission with all the rights, power and authority of the regular chairman until the return of said chairman and the resumption of his official duties.

h. Notice of all meetings of the Commission shall be given by the Secretary of the Commission under such rules or regulations, as may be prescribed by the Commission.

i. The Chairman of the Commission shall receive a salary of \$7,500 dollars annually. He shall give bond, payable to the State of Alabama in the sum of five thousand dollars, conditioned

on the faithful performance of his duties, the premium on said bond shall be paid by the State Highway Department.

j. The associate members shall serve without compensation, but each associate member, and also the chairman, shall receive and be allowed traveling and other necessary expenses incurred by them while in the discharge of their official duties and while attending to any business assigned to them by the Commission.

k. The Chairman of the Commission shall be chief executive of the Commission. He shall take the constitutional oath of office before entering on the duties of his office. He shall ~~recommend and nominate to the Commission~~ a suitable person to fill the position of State Highway Engineer, when said nominee is confirmed by a majority vote of the Commission, said person shall be the State highway Engineer and shall hold office at the pleasure of the Commission. The Chairman of the Commission with the advice and counsel of the State Highway Engineer, shall recommend to the Commission for employment all other engineers and employees, which may be necessary in the complete organization of the Engineering Department, and, he shall recommend to the Commission for employment all other employees, which may be necessary and to the best interest of the Department to employ.

l. The Commission shall have the authority to award all contracts (on the approval of the Governor) which have been regularly ordered advertised by the Commission, and the chairman shall have the power to sign and execute the same on behalf of the State, (which must be approved by the Governor). The Commission shall also have the right to reject any bid or bids, when in their judgment, the same is out of line, or excessive, and to re-advertise the same for other bids, and, in such event, it shall be the duty of the chairman to prepare a written statement of their reasons for rejecting said bids, which must be submitted to the Commission at its next regular meeting, which statement, when received by the Commission, shall be spread upon the minutes of the Commission. The chairman of the Commission shall recommend to the Commission the salaries to be paid all employees, whose salaries are not fixed by law, but the Commission shall fix the amount of said salaries to be paid to all employees. He shall have the right and authority to discharge any and all employees of the Department for inefficiency, failure to discharge their duties, or insubordination of any kind, conditioned, however, that on the discharge of any employee of the Department he shall report the same to the Commission in writing, giving his reasons therefor. He shall preside at the meetings of the Commission and shall put all questions, which are regularly brought before the Commission for a vote, and he shall

vote on all questions only in case of a tie as other members of the Commission. It shall be his duty to advise with the Commission on all matters pertaining to the business of the Commission and the welfare of the road interest of the State.

m. All other matters, things and authorities, not herein specifically given to the chairman, is invested in the Commission, and it shall be their duty to exercise the same for promotion, development and advancement of the road interest of the State; to the end, that a complete adequate and permanent system of highways, roads and bridges may be built, constructed and maintained in the State of Alabama. It shall be the special duty of the associate members of said Commission to study the road conditions in their respective sections of the state and to inform themselves of the road conditions existing therein and of the physical effects concerning location of the county seat connection, as provided by the Constitution and Laws of the State; and to the end, therefore, that they may be at all times prepared to give the Commission information on same so that the Constitution may be upheld, the law properly executed and a complete and efficient system of highways, roads and bridges be built, constructed and maintained for the benefit, use and enjoyment of the people.

Section 2. The duties of the Commission shall be to receive, consider and pass upon the reports of the Chairman and State Highway Engineer and determine in each instance what final action shall be taken under their recommendations. The Commissioners shall designate the roads to be constructed, repaired and maintained, and shall construct, standardize, repair and maintain roads and bridges in this State; and to that end and for that purpose the Commission may (with the consent and approval of the Governor) disburse any moneys hereby appropriated or set apart for the construction, repair or maintenance of the public roads, bridges and highways of this State. On or before the first day of October, January, April and July in each year it shall be the duty of the Commission to submit a report to the Governor stating as nearly as possible the number of miles of roads built or improved and also the culverts and bridges constructed during the preceding three months, the moneys expended, the cost, unit cost, and general character and progress of work under construction, and at the end of each fiscal year there shall be submitted to the Governor an annual report covering all the foregoing information, which report shall be printed as other public documents for public distribution. The Commission shall also recommend to the Governor and Legislature such legislation as it deems advisable and furnish any other information concerning road and bridge improvements, location

of road materials, and all other information which may be deemed expedient by the Commission, the Governor or the Legislature. The Commission shall hold regular meetings on the first Tuesday in each month and continue in session so long as may be necessary for the transaction of the business before the Commission. On the first Tuesday in each month the Commission shall devote the first day, or so much thereof as may be necessary, to public hearings on matters which may be brought before them by individuals or Committees, and such hearings may be continued from day to day until concluded. Special meetings shall be called by the Chairman upon the request of the Governor and may be called by the Chairman on his own motion in such cases as the business of the Commission may in his judgment require. No contracts for construction, repairs or renewals of highways, bridges, or culverts shall be let (without the approval of the Governor and) until after all necessary rights of way for such highways and rights for materials for construction and rights of way for ingress and egress to said material have been legally procured and all documents covering such procurement have been placed on file with the Chairman of the Commission.

Section 3. The Commission shall have a seal and each member of the Commission shall have the power to administer oaths, take acknowledgments, make affidavits, and make certificates anywhere in the State of Alabama, and shall have the right and it shall be their duty to institute prosecutions against any person, firm or corporation found violating any regulation of the Commission, or damaging any road constructed by the Commission. The Department shall be provided with suitable offices at the State Capitol, or such other places as the Department may require, which offices shall be under the control of the chairman of the Commission and they shall be kept open at such times as the business of the Department and the convenience and interest of the public shall require. The offices shall be conveniently and properly furnished at the expense of the State and shall be the depository for all records of the State Highway Department. The Commission may hold meetings at such times and places as it may deem essential or expedient for the carrying out of the provisions of this Act, or the discharge of its duties. The State Highway Commission shall and is hereby made subject to the provisions of the Act establishing the State Budget System, approved February 11th, 1919, and none of the provisions of the Act are to be construed as conflicting, altering, impairing or repealing any provision of said Act.

Section 4. Motor vehicles, used exclusively by the State Highway Department, its officials or engineers, shall not be

subject to any State, County or municipal license, and, the officials, having charge of the issuance of tags, are hereby authorized to issue tags for such vehicles without charge.

Section 5. The Attorney General of the State shall be ex-officio attorney for the State Highway Department, and shall give such department such legal counsel as it may require. The Attorney General at the request of the Highway Department and with the approval of the Governor shall have the right, power and authority to appoint special counsel for the Department whenever the same is absolutely necessary to protect the interest of the State. The compensation of said special counsel and the necessary expenses of the Attorney General incurred in the performance of duties for the department shall be paid out of funds belonging to the Highway Department upon the approval of the Chairman of the Highway Commission, the Governor and the Attorney General.

Section 6. No person shall be eligible to election or employment as State Highway Engineer, who has had less than six years responsible engineer's experience, of which not less than three years must have been in active responsible highway engineering. The State Highway Engineer shall hold office at the pleasure of the Commission, and his salary, not to exceed four thousand eight hundred dollars per annum, shall be fixed by the Commission and be payable monthly. He and his assistants shall also be allowed actual traveling and other necessary expenses, as provided by law, while engaged in the performance of their duties and while carrying out the orders of the Commission. He shall take the constitutional oath of office and he, and such of his assistants as the Governor may designate or require, shall execute bonds payable to the State in some guaranty company, doing business in Alabama, which bond shall be approved by the Governor and the Chairman of the State Highway Commission and conditioned upon the faithful and efficient performance of their official duties. The cost of the premiums of such bonds shall be paid by the State Highway Department. The Secretary of the State Highway Commission shall keep an official record of all the acts and doings of the Commission and shall furnish each member with a copy of the same. The Engineer and his assistants shall give such assistance and advice to all county and municipal officials with regard to the construction and maintenance of roads and bridges in the State as their time and other duties may permit in accordance with rules, regulations and limitations to be prescribed by the State Highway Commission. He shall do and perform all acts, which are ordered and required of him by the Commission for the promotion of the road building interest of the State. He shall be the head and chief of the

Engineering Department of the State Highway Commission. He shall devote his entire time to the road construction and maintenance of work of the Commission and the general supervision of the Engineering Department.

Section 7. The Commission (with the approval of the Governor) shall appoint a Secretary-Auditor and fix his salary at not exceeding \$3,600.00 per annum payable monthly. He shall hold office at the will of the Commission and before entering upon his duties he shall take the constitutional oath of office. He shall be required to keep all records and accounts of the Commission and shall make such reports and perform such other duties as may be required of him from time to time by the Commission. The Secretary-Auditor and such of his assistants as the Governor may designate or require, shall execute bonds, payable to the State in some guaranty company doing business in Alabama, which bonds shall be approved by the Governor and conditioned upon the faithful and efficient performance of their official duties. The cost of the premiums of such bonds shall be paid by the State Highway Department.

Section 8. The Chairman of the State Highway Commission shall keep on file in the office of the Highway Department copies of all plans and specifications prepared by the State Highway Department and the files and records of such Department shall, under reasonable regulations, be kept open for inspection of the public at all reasonable hours. Certified copies of such records shall be received in evidence in all the courts of this State.

Section 9. The State Highway Commission shall cause to be made and kept in the office of the Highway Department a general highway map of the State which shall show all State Trunk Roads; it shall collect information and prepare statistics relative to the mileage, character and condition of the roads and bridges and culverts in all counties of the State. It shall investigate and determine the methods of road construction best adapted to the various sections of the State and shall establish standards for the maintenance of roads and bridges which have been constructed with State Aid. It may at all reasonable times be consulted by county and municipal officials relative to any matter relating to the construction of roads and bridges or culverts and it may also call on all county and municipal officials for any information or assistance it may require and it shall be their duty to supply the same. Any county or municipal official who wilfully and without just excuse fails or refuses to supply such information when requested by the Commission or its representatives shall be guilty of a misdemeanor and upon conviction be fined not less than ten nor more than one hundred dollars. The State Highway Commission shall determine the character and have the gen-

eral supervision over the construction and maintenance of all the public roads, bridges and culverts in the State where the funds of the State are used.

Section 10. There is hereby appropriated to the State Highway Department, for its use the entire net revenue derived by the State from the sale of motor vehicle, trailer, semi-trailer, tractor and truck licenses, and there is also hereby appropriated to the State Highway Department out of the net revenue derived from the convict fund of the State of Alabama, the sum of fifty thousand dollars per annum, the same to be applied to the construction, maintenance and repair of public roads and bridges in this State, provided that all funds accruing from other sources to said State Highway Department for its use and for the improvement of the Public Roads, culverts and bridges in Alabama, and being in the State treasury shall be in lieu of said convict fund herein above provided for to the extent of the amount thereof, thereby relieving said convict fund pro tanto to such extent. Such other appropriations or funds received by the State Highway Department shall be expended and accounted for as herein provided. Said State Highway Fund shall be paid out of the Treasury on the State Auditor's warrant drawn upon presentation to him of the certificate of the State Highway Commission signed by its Chairman (and approved by the Governor) provided, that in the event that the State shall issue bonds for the construction of public roads, the appropriation herein made shall be used for the payment of interest on said bonds and maintenance of roads and provide a sinking fund and for the maintenance of the Department.

Section 11. When any county shall have appropriated any sum of money since October 1, 1919, to match a like sum of money given by the Federal Governor through the State Highway Department for road or bridge construction; or if any county in the State shall hereafter appropriate any sum of money to so match Federal funds, the said county shall be refunded an amount equal to the amount expended by the county on the project by the State Highway Commission from any funds that may be derived from the sale of State Road bonds. Such payment shall be made on certificates to the State Auditor by the State Highway Engineer, approved by the President of the State Highway Commission and the Governor to the effect that such county is entitled to such sum of funds. Provided, however, that nothing in this section shall authorize the expenditure in any county of more than its equitable quota or portion of said funds and provided further that any refund to any county shall be a charge against such county's equitable share of said fund.

Section 12. The State Highway Commission shall have the right and power to adopt all reasonable and necessary rules and regulations for the better construction, repair and maintenance of the public roads and bridges in Alabama, which the Commission shall deem proper. The Commission shall have the power to enter into the contracts and agreements with the owner, or the operators of telegraph or telephone lines, which are constructed or operated along or across the public roads, bridges or highways of this State, and to remove the same from the rights of way when its owners refuse to do so after being requested by the Commission, and to prescribe all reasonable rules and regulations as to the construction, repair and maintenance of the poles, wires and lines of such telegraph or telephone companies, so as to insure safety for the public in using the roads, bridges and highways in the State. The Commission shall also prescribe any reasonable regulations so as to prevent unnecessary trespassing upon or injury to any of the public roads, bridges and highways of the State upon which State money may be expended or appropriated, or upon any part of the right of way of any of the public roads and highways in the State, upon which State money may be expended or appropriated.

Section 13. The Commission shall also have the right and power to prescribe reasonable rules and regulations as to the weight and tonnage of vehicles and the load carried on any of the public roads, bridges and highways of the State, upon which State money may be expended, and the violation of any rule or regulation prescribed by the Commission is hereby declared to be a misdemeanor. The Commission shall also have the right and power to enter into agreements with other States as to the construction, repair or maintenance of any bridge across any stream, which forms the boundary line between this and another state and to pay for same out of the funds of the State.

No member of the State Highway Commission, the State Highway Engineer, or any other person in the employment of the State Highway Department shall be either directly or indirectly interested in any contracts or agreements for the construction or maintenance of any road or bridge in this State, or in the sale of any machinery, material, or anything whatever entering into the construction, repair or maintenance of the roads and bridges in the State, and any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than two hundred and not more than five hundred dollars, and may also be sentenced to hard labor at the discretion of the Judge trying the case, for not more than one year.

Section 14. The Chairman of the State Highway Commission shall at the beginning of each fiscal year prepare an esti-

mate of sufficient funds to support the State Highway Department, which amount shall be reserved out of the State Highway Funds, and the balance shall be used in the construction and maintenance and repair of the State Trunk Roads and bridges on the State Trunk Roads as is or may be provided by law. Before making any appropriations to counties of State aid fund, the State Highway Commission shall first set aside out of the State Highway fund a sum which, in its opinion is sufficient to secure the Federal Fund apportioned to this State, so that the State will not lose the benefit of the appropriation of Federal aid. Whenever the Court of County Commissioners, Board of Revenue or other like governing body of a county shall desire that a State Trunk Road or a bridge on a State Trunk Road in said county be constructed or maintained, with State aid, written application shall be made by the County to the State Highway Commission under such rules and regulations as the Commission may prescribe. Such applications, when made, shall be considered by the Commission and if approved by it, the State Highway Engineer or one of his assistants shall view said road or bridge and cause to be made surveys, plans, specifications and estimates of the cost of construction or maintenance and the State Highway Commission shall thereupon appropriate out of the State Highway fund such part of the estimated cost of such work as it may deem proper and the State Highway Department shall proceed to do such work by contract or with its own forces. If it deems best, the Commission may condition said appropriation upon the appropriation by the county for said work of an amount fixed by the Commission which shall be paid into the State Treasury to the credit of the State Highway fund before the work begins, provided that when a county contracts to do such work that said payment into the State Treasury may be waived by the State Highway Commission upon such terms and conditions as the State Highway Commission may prescribe, but when such payment is waived the county must give bond in the amount appropriated by the county in a solvent bond or guarantee company authorized to do business in this State to faithfully perform such conditions or terms prescribe by the State Highway Commission or upon a failure so to do to pay into the State Treasury such amount. Such bond shall be payable to the State of Alabama, and approved by the State Highway Commission. Whenever a county fails to make application for the construction or maintenance of a road, bridge or the Commission deems it best for such work to be done, it may proceed to construct or maintain any part of the State Trunk Road or bridge upon a State Trunk Road and pay part or all of the cost of such work out of the State Highway Fund.

Section 15. The State Highway Commission shall furnish a competent engineer, when needed, during the progress of road or bridge construction, repair or maintenance, in any county under the provisions of this Act, who shall supervise said work and see that the plans and specifications are complied with. Whenever it is proposed to do such work by contract and the estimated cost of such work exceeds five thousand dollars, the State Highway Commission shall advertise for bids for at least thirty days in advance of the award of the contract in a newspaper published in the city of Montgomery and in a newspaper published in the county where the work is to be done, and in any other newspaper or periodical if the Commission deems such other publication necessary and the Commission shall receive bids for all or a part of said work and let the contract to the lowest responsible bidder, subject to the approval of the Governor. When proposals are asked for doing work of a general nature over the State it shall not be necessary for advertising to be inserted in papers in each county, but the Commission must advertise in at least three daily papers published in the State for at least two weeks. It shall reserve the right, however, to reject any and all bids and call for new bids, or perform the work or any part of said work by day labor or convict labor or by entering into a contract with the Convict Department of the State to do such work or labor as it may deem best for the interest of the State and the County. The State Highway Commission with the approval of the Governor may enter into contracts with any of the counties of this State, or with any of the municipalities of this State as it may with individuals, firms or private corporations, to do any work in the construction, repair or maintenance of the roads, bridges or highways in this State. When any work is to be done by contract, whether with individuals, firms, private or public corporations, the State Highway Commission shall require a bond by some guaranty company doing business in this State, of the contractor, for the faithful performance of the work agreed and contracted to be done. Such bonds shall be payable to the State of Alabama and shall be approved by the State Highway Commission and it shall be in an amount equal to the contract price and conditioned to do and perform the work in accordance with the contract or agreement and in accordance with specifications to be prescribed by the State Highway Engineer. The State Highway Commission may authorize par payments to the contractor performing any road or bridge work as the work may progress. The progress estimates and payments shall be based upon material placed and labor expended upon the work, but not more than 85% of the contract price of the work shall be paid in advance of the full

completion and acceptance of the work. At least 15% of the full contract price of any such work shall be withheld until the work is satisfactorily completed and accepted by the State Highway Engineer, and approved by the State Highway Commission. Provided that this section shall not be construed to require a bond to be furnished should a contract be made for work to be performed by the State Convict Department or any other Department or agency of the State.

Section 16. Every contract for road or bridge construction, repair or maintenance under the provisions of this Act shall be made in the name of the State of Alabama, approved by the State Highway Commission and signed by the Chairman of the State Highway Commission (and approved by the Governor).

Section 17. The rights of way deemed necessary by the State Highway Department for a road or bridge constructed under the provisions of this Act shall be acquired by the county in which such road is to be located, without expense to the State. Should the county fail or refuse to acquire the necessary right of way, the State through the State Highway Commission shall have authority to acquire such right of way either by purchase or by the exercise of the right of eminent domain in condemnation proceedings, as is provided under the laws of this State. The State acting through the State Highway Commission and its duly authorized employees; and the various counties of the State acting through the Board of Revenue or other like body and their duly authorized employees, in the doing of public road work, shall have and exercise the right, power and authority, when deemed necessary or advisable so to do, to make detour roads and to contract for such land as may be necessary for such detour roads; also to acquire by purchase or by condemnation land necessary for drainage ditches and borrow pits, lime and stone quarries, clay and clay pits, sand and sand pits, gravel and gravel pits, together with any and all materials of every character that may be necessary or essential or desired in the construction and maintenance of highways and bridges, and to tap and draw material from the same to such extent as may be desired, the reasonable market value, if any, of such material, to be paid for same and the State Highway Commission shall also have the right to acquire by purchase or condemnation, rights of way necessary for ingress and egress to such material pits as above named. Provided that when detours are necessary the contractors or other agents or persons causing such detours, shall substantially close or obstruct the main road and place thereon such signs and directions as will enable the users of the roads to properly follow such detours.

Section 18. No roads constructed or maintained under the provisions of this Act shall be dug up or used for laying pipe

lines, pole lines, sewers, railways, or for other similar purposes without the written permit of the State Highway Commission and then such work shall be done only in accordance with regulations prescribed by the Commission and the cost of replacing the road in as good condition as it was before such work was done shall be paid by the person, firm or corporation to whom or in whose behalf such permit was given. Such person, firm, or corporation so desiring such work, shall furnish the State with a cash deposit or certified check upon a solvent bank in the amount required by the State Highway Commission, conditioned that the sum is to be forfeited to the State in the event that said road is not placed in as good condition as it was prior to said work being done, within fifteen days from the time said work is completed. Such person, firm, or corporation doing such work shall be liable for damages for injury or unreasonable delays to the users of such highway, such damages to be adjudged by the State Highway Commission and paid from the proceeds of the certified check deposited as above required.

Section 19. The State Highway Commission is authorized to rent, construct or purchase such buildings, stock, machinery, tools, material and other equipment as it may find necessary for use in carrying out the provisions of the Act and pay for the same out of the State Highway fund. It shall also pay out of said funds the necessary expenses of the Department of every description including traveling expenses of the officials and engineers, foreman and clerks, while in the actual performance of their duties authorized or imposed by this Act and also the cost of all supplies or materials furnished for said Department, and for the maintenance of all live stock and machinery used by the Department or its agents.

Section 20. The State Highway Commission shall have full authority to make such changes or additions to the system of State Trunk Roads to conform to the requirements of the Federal Aid Law, as it may deem proper and construct or maintain the same with State aid under the provisions of this Act.

Section 21. The State Highway Commission may work State convicts in the construction or maintenance of public roads and bridges of Alabama as may now or hereafter be provided by law, or may work State convicts in construction, repairing, or maintaining public roads or bridges by contract or agreement with the Board of Convict Supervisors.

Section 22. The State of Alabama hereby assents to the provisions of the Act of Congress approved July 11, 1916, known as the Federal Aid Law, which Act of Congress is entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads and for other purposes," and

assents to all subsequent amendments to such Act of Congress. The State Highway Department is hereby authorized to enter into all contracts and agreements with the United States Government relating to the construction, and maintenance of rural post roads under the provisions of said Act of Congress and all amendments thereto, to submit such schemes or programs of construction and maintenance as may be required by the Secretary of Agriculture, and to do all other things necessary to fully carry out the co-operation, contemplated and provided for by said Act of Congress and all amendments thereto. The good faith of the State of Alabama is hereby pledged to make available funds sufficient to equal the sum apportioned to the State by or under the United States Government and maintain the roads constructed under the provisions of the Act of Congress or any amendment thereto and to make adequate provision for caring for such maintenance.

Section 23. The State Highway Commission shall locate, construct and maintain highways and State Trunk Roads so as to connect each county seat with the county seat of the adjoining county by the most direct or most feasible route by a permanent road, having due regard to the public welfare and to connect the county seats of the several border counties at or near the State line with a public road in the border states.

Section 24. It shall be the duty of said Highway Commission to equitably apportion among the several counties the expenditure of both money and labor and the time or times of making such investments; said roads to be constructed or maintained without expense to the several counties, except as is otherwise provided in this Act, or other laws of this State.

Section 25. By the phrase "equitably apportioned" as is used in the next preceding section of this Act is meant not less than one-quarter million dollars of State funds for roads shall be set aside and expended in each county in the State by the State Highway Commission.

Section 26. The State Highway Commission in addition to the right, authority and powers conferred upon it by this Act is authorized to make all such reasonable rules and regulations as the Commission may deem necessary to carry out the provisions of this Act and to construct, maintain and repair the public roads and bridges of this State; and any person, firm, or corporation who violates any of the provisions of this Act or any reasonable rule or regulation prescribed by the State Highway Commission for the better construction, repair and maintenance, protection and preservation of the public roads, bridges, highways and rights of way of roads and highways of this State, shall be guilty of a misdemeanor and on conviction, shall be punished by

fine of not less than ten nor more than five hundred dollars, and at the discretion of the judge trying the case, in addition to the fine may be sentenced to hard labor for a term not to exceed six months, except in a case in which a different punishment is provided for in this Act, then the punishment so provided for otherwise in this Act shall be imposed.

Section 27. All laws, or parts of laws, local or general, inconsistent or in conflict with the provisions of this Act, are hereby repealed.

Section 28. If any section or provision of this Act shall be held to be void or unconstitutional, it shall not affect or destroy the validity or constitutionality of any other section or provision which is not of itself void and unconstitutional.

Section 29. This act shall take effect thirty days after approval of the Governor.

Indefinitely tabled September 6, 1923.

J. H. Stewart,
Clerk.

Mr. Long offered the following amendment to the substitute:
By Mr. Long:

Amend S. B. 172 by striking out Section 1 and inserting in lieu thereof the following:

Section 1. That there is hereby created a State Highway Commission, consisting of five members and a chairman; the five members to be associated members, who shall be selected as hereinafter provided. The members of the Commission shall hold office at the will of the Governor, and be subject to removal by him in his discretion when, in his opinion, the public good requires it.

The five associate members shall be qualified electors of the State of Alabama, and shall serve without pay, except when attending meetings of the Commission, on call of the Chairman, or of the Governor, they shall be paid their actual expenses. The chairman of the Commission shall give his entire time to the discharge of the duties of his office, and shall receive a salary of Seventy-five Hundred (\$7500.00) Dollars per annum, to be paid in equal monthly installments as other State officers are now paid.

That after the approval of this Act and before the final adjournment of the Legislature the Senate shall meet and elect two members of said Highway Commission, and the House of Representatives shall meet and elect three members of said Highway Commission, who shall hold office until their successors are elected and qualified. Said election shall be by ballot or viva voce.

That the chairman of the State Highway Commission shall be elected by the five associate members of said Commission. That as soon after their appointment and qualification by taking the Constitutional oath of office, as practicable, the five associate members of said Commission shall meet at the Capitol, on call of the Governor, and proceed to elect a chairman of the Commission, and they shall forthwith certify to the Governor their selection.

All vacancies in the office of the associate members shall be filled by appointment of the Governor.

That the State Highway Commission, with the approval of the Governor, shall employ some competent person, who may be of the Commission or not, who shall have control and supervision of the maintenance and construction of the public roads in this State; that the person so employed shall give his entire time to the performance of his duties, and may be removed at the pleasure of the chairman, or of the Governor, when in the judgment of the Chairman, or of the Governor, the public good requires it. That the person so employed shall receive such salary as the Commission, with the approval of the Governor may fix.

That when it is deemed necessary by the State Highway Commission, the Commission may, with the approval of the Governor, employ an additional person, who may be of the Commission or not, who shall have charge, control and supervision of the maintenance of the public roads in this State; that the person so employed shall give his entire time to the performance of the duties, and shall receive such salary as the Commission, with the approval of the Governor may fix. And such person may be removed at the will of the Chairman, or of the Governor.

That the State Highway Commission, with the approval of the Governor, shall appoint a State Highway Engineer, who shall be a competent Civil Engineer, who shall be at all times under the direction of the Chairman of the Commission, and of the Governor. That the State Highway Engineer shall give his entire time to the performance of his duties as such Engineer; and shall perform all the duties now required of him, or which may be hereafter required of him, by law. The State Highway Engineer shall receive such salary, not to exceed Six Thousand (\$6,000.00) Dollars per annum, as the Commission may, with the approval of the Governor, fix.

RECESS.

Pending the further consideration of the bill and substitute, the hour of one o'clock having arrived, under a resolution heretofore adopted, the House recessed until 3 P. M.

AFTERNOON SESSION.

The hour of three o'clock having arrived, the House reconvened.

RESOLUTIONS.

The following resolutions were introduced and referred to the Standing Committee on Rules:

By Mr. Embry:

H. R. 186. Relative to making H. B. No. 683 a Special Order for the 42nd Legislative Day.

By Mr. Rives:

H. R. 187. Relative to making H. B. 301 a Special Order for the next Legislative Day.

By Mr. Rives:

H. R. 188. Whereas, The present Legislature is nearing the close of its session,

Whereas there are several important bills on the calendar to be disposed of, which seems to be impossible in the remaining length of time,

Therefore be it resolved that the House go into the Committee of the Whole House for two days of the coming week, at which time the important bills on the present calendar will be taken up for consideration and amendment where necessary, to the end that when the House reconvenes all discussions on bills will be eliminated and will be ready for roll call on same.

Be it further resolved that it is the understanding of the members of the House that on such bills, so discussed in the Committee of the Whole no arguments or amendments will be permitted but will be subject to roll call only.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the resolution:

H. J. R. 185. Relative to requesting the Governor to issue a proclamation for the observance of the 14th day of December as Alabama Day.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 738. To create and establish a board of jury supervisors in every county in this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than ninety-five thousand people, according to the last Federal decennial census, or any such census which may hereafter be taken; to provide that the circuit judges, the judge of probate, the sheriff and the clerk of the circuit court of all such counties shall constitute the board of jury supervisors and to confer upon them all the jurisdiction and all the power and authority which is now or which may hereafter be by law vested in jury commissions in this State; to provide that they shall perform and discharge all the duties of jury commissioners without compensation, except as provided by this Act; to authorize them to elect one of their number president of such board of jury supervisors, and to provide that the clerk of the circuit court of all such counties shall be ex-officio clerk of such board of jury supervisors; to fix his salary as such clerk, the manner of its payment, and to abolish the jury commission and the clerk thereof in all such counties.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Adams:

S. J. R. 137. Resolved by the Senate, the House concurring, that the Governor return to the Senate House Bill No. 99 for the purpose of correction.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House, on motion of Mr. Dickinson, concurred in and adopted the S. J. R. No. 137 set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Randall:

S. J. R. 136. Whereas, several hundred officers of the United States navy, from the South, resigned from the service in 1861 to cast their fortunes with their native States, the

resignations of the following one hundred and thirty-six were not accepted:

Captains: French Forrest, Franklin Buchanan, Samuel Barron, George N. Hollins.

Commanders: William T. Muse, Robert G. Robb, Archibald B. Fairfax, Richard L. Page, Arthur Sinclair, John R. Tucker, William McBlair, Thomas R. Rootes, Chas. E. McIntosh, Sidney Smith Lee, Thomas L. Page, Thomas T. Hunter, Matthews F. Maury, John K. Mitchell, Chas. H. A. Kennedy.

Lieutenants: John Taylor Wood, Chas. M. Fauntleroy, George T. Sinclair, Robert B. Pegram, Washington Gwathmey, James H. Rochelle, William Sharp, Chas. F. M. Spottswood, Carter B. Poindexter, John S. Maury, John V. Bennett, Harry H. Lewis, John Wilkinson, William H. Parker, William L. Powell, John M. Brooks, Peter U. Murphey, William H. Meudaugh, Edward L. Winder, Charles C. Simms, Robert D. Minor, Oscar G. Johnston, Hunter Davidson, Isaac N. Brown, Silas Bent, J. Pembroke Jones, Joseph N. Barney, David P. McCorkle, Charles W. Hays, Alphonse Barbot, Van R. Morgan, Hamilton H. Dalton, George S. Shryock, Joseph W. Alexander, Francis E. Sheppard, John J. Guthrie, William H. Ward, Thomas K. Porter, Wm. P. A. Campbell, Henry K. Stevens, B. P. Lovall, Walter R. Butt, Julian Myers, Alex M. DeBree, Dulaney A. Forrest, William T. Glassell, Nicholas H. VanZandt, John H. Parker, James Iredell Waddell.

Surgeons: Lewis W. Minor, Wm. B. Sinclair, Randolph F. Mason, James F. Harrison, William H. Page, Daniel S. Green, Richard W. Jeffrey.

Passed Assistant Surgeons: Charles W. Williams, H. W. M. Washington, J. W. B. Greenhow.

Assistant Surgeons: Joseph Grafton, Fred Van Bibber, Algernon S. Garnett, Bennet W. Green, John W. Sanford, Robert J. Freeman, Marcellus P. Christian, James E. Lindsey, James W. Herty, O. S. Inglehart.

Paymasters: George W. Clark, Joun DeBree, John Johnson, Richard T. Allison, James E. Harwood, Frelix Senac, Thomas E. Ware, James A. Semple.

Midshipmen: Edward G. Read, Thomas L. Dornin, James L. Hoole, Francis L. Hodge, Samuel W. Averett, James L. Taylor, George A. Borchert, Thomas L. Harrison, Henry D. Claiborne, Hilary Cenas, Arthur D. Wharton.

Chief Engineers: Michael Quinn, Wm. P. Williamson, Thomas A. Jackson, James H. Warner.

1st Asst. Engineers: Edward W. Manning, Henry A. Ramsey, Virginius Freeman, George W. City.

2nd Asst. Engineers: John W. Tynan, Marshall P. Jordan.
3rd Asst. Engineers: Henry X. Wright, John T. Tucker,
Chas. W. Fordan, Edward L. Dick, Benjamin Herring, Henry
Fagan.

Boatswain: Chas. H. Hasker.

Gunners: Chas. B. Oliver, John W. Lovett.

Marine Corps: Major Henry B. Tyler, Brevet Major H. H.
Terrett.

Captains: John C. Rich, Algernon S. Taylor, Robert Tan-
sill, John D. Simms.

1st Lieutenants: Israel Green, Julius E. Meiere, J. R. F. Tat-
nall, Thomas S. Wilson.

And, whereas, the records of the Navy Department of the
United States Navy at Washington record them as "dismissed,"
while the others are recorded as "resigned," and

Whereas, the heroism of these men during the war between
the States is an American heritage and may be the pride of
every American citizen, and

Whereas, the sons and grandsons of these "dismissed sailors"
fought the battles of our country in the Spanish-American and
the late World War, and are denied the privileges of joining
patriotic organizations because of the stigma hanging over the
memory of their brave ancestors, and

Whereas, Admiral A. O. Wright, Commander of the Con-
federate Naval Veterans has now pending a bill in the National
Congress to remove this stigma:

Now therefore be it resolved by the Senate, the House con-
curring, that the representatives of the State of Alabama in the
National Congress be requested to take the necessary steps at
once to have the Navy Department at Washington accept these
resignations, and thus remove the stigma of "dismissal" which
has hung over them for this long period of years.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Long the House concurred in and adopted
the S. J. R. No. 136, set out in the above and foregoing message
from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and
sends same herewith to the House without engrossment:

By Mr. Craft:

S. 420. To provide for the development and improvement of the State's oyster beds; to provide methods for the removal of oysters from the waters of this State, and to provide for boat license.

Also:

By Mr. Waddell:

S. 437. To require the clerk of the Supreme Court, and the clerk of the Court of Appeals to furnish the circuit judges in all cases and the circuit solicitors in criminal cases of the various circuits of this state, copies of opinions in all cases appealed from their circuits.

Also:

By Mr. Foster:

S. 433. To change the name of the "State Board of Convict Supervisors" to the "State Board of Administration."

Also:

By Mr. Foster:

S. 445. To require bonds of contractors entering into contract with the State or any department, commission or board thereof, or with any county, city, town, or county or city board of education, or other public administrative body, to construct, erect, improve, alter or repair any public building, public road, or other public work or structure, and to provide for liability on such bonds to persons performing labor for or furnishing materials to the contractor or sub-contractor.

Also:

By Mr. Waddell:

S. 447. To amend section 159, volume 1 of the Code of 1907.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Game, Fish and Forestry, S. 420.

Revision of Laws, S. 437.

Penitentiary and Criminal Administration, S. 433.

Judiciary, S. 445.

Municipal Organization, S. 447.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 337. To amend Section 5534 of the Code of Alabama of 1907.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing message from the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 738. To create and establish a board of jury supervisors in every county in this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than ninety-five thousand people, according to the last Federal decennial census, or any such census which may hereafter be taken; to provide that the circuit judges, the judge of probate, the sheriff and the clerk of the circuit court of all such counties shall constitute the board of jury supervisors and to confer upon them all the jurisdiction and all the power and authority which is now or which may hereafter be by law vested in jury commissions in this State; to provide that they shall perform and discharge all the duties of jury commissioners without compensation, except as provided by this Act; to authorize them to elect one of their number president of such board of jury supervisors, and to provide that the clerk of the circuit court of all such counties shall be ex-officio clerk of such board of jury supervisors; to fix his salary as such clerk, the manner of its payment, and to abolish the jury commission and the clerk thereof in all such counties.

James A. Smith,
Chairman.

SIGNING OF BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been public read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set

out in the above and foregoing report of the Standing Committee on Enrolled Bills.

James A. Smith,
Chairman.

BILLS ON SECOND READING.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 933. To amend Section 2652 of the Code of 1907.

H. 928. To further provide for the revenue of the State.

H. 881. To amend Section 86-A of "An Act in reference to and to further provide for the general revenue of the State of Alabama," approved August 23, 1923.

H. 845. To impose a license or privilege tax on all deeds, bills of sale and other instruments of like character admitted to record in the probate offices of this State.

H. 809. Imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the Business of selling or distributing gasoline or other liquid motor fuels in this State in addition to any and all other excise taxes on the sale or distribution of gasoline or other liquid motor fuel under the laws of this State; providing for the collection and payment of such taxes and the disposition of the funds derived therefrom, and fixing penalties for violating any of the provisions of this Act.

H. 709. To better provide for the revenue of the State.

The above and foregoing bills were severally read a second time and placed on the Calendar.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has adopted the following House Joint Resolution, and returns same herewith to the House:

By Mr. Long:

H. J. R. 112. Relative to the payment to certain clerks for their services from July 10, 1923, to and including the 1st day of August, 1923.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Brower:

S. J. R. 20. Whereas, there is now pending before the Congress of the United States, a great Educational measure, known as the Towner-Sterling Bill, providing for the creation of a department of education and

Whereas, it is of utmost importance that immediate and favorable action be taken on this said bill by our Congress,

Therefore, be it resolved, by the Senate of Alabama, the House of Representatives concurring, that the Congress of the United States, be and is hereby requested to immediately enact into law, the said Towner-Sterling Bill, in order that the National program of Education may be carried out, and,

Be it further resolved, that a copy of these resolutions be sent to our Senators and Representatives in the Congress of the United States.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The S. J. R. No. 20 set out in the above and foregoing message from the Senate was referred to the Standing Committee on Rules.

UNFINISHED BUSINESS.

The House proceeded to the consideration of the Unfinished Business, which was the bill,

S. 172. To amend an Act approved October 31, 1921, entitled An Act to provide further for the construction, repair, and maintenance of the public roads, bridges and highways in this State.

And the substitute reported by the Standing Committee on Public Roads and Highways, and the amendment offered by Mr. Long to the Committee substitute.

On motion of Mr. Williams the substitute reported by the Standing Committee on Public Roads and Highways and the amendment offered by Mr. Long to the Committee substitute were laid upon the table.

Mr. Long offered the following amendment to the bill S. 172:
By Mr. Long:

Amend S. B. 172 by striking out Section 1 and inserting in lieu thereof the following:

Section 1. That there is hereby created a State Highway Commission, consisting of five members and a chairman; the five members to be associated members, who shall be selected as hereinafter provided. The members of the Commission shall hold office at the will of the Governor, and be subject to removal

by him in his discretion when, in his opinion, the public good requires it.

The five associate members shall be qualified electors of the State of Alabama, and shall serve without pay, except when attending meetings of the Commission, on call of the Chairman, or of the Governor, they shall be paid their actual expenses. The chairman of the Commission shall give his entire time to the discharge of the duties of his office, and shall receive a salary of Seventy-five Hundred (\$7500.00) Dollars per annum, to be paid in equal monthly installments as other State officers are now paid.

That after the approval of this Act and before the final adjournment of the Legislature the Senate shall meet and elect two members of said Highway Commission, and the House of Representatives shall meet and elect three members of said Highway Commission, who shall hold office until their successors are elected and qualified. Said election shall be by ballot or viva voce.

That the chairman of the State Highway Commission shall be elected by the five associate members of said Commission. That as soon after their appointment and qualification by taking the Constitutional oath of office, as practicable, the five associate members of said Commission shall meet at the Capitol, on call of the Governor, and proceed to elect a chairman of the Commission, and they shall forthwith certify to the Governor their selection.

All vacancies in the office of the associate members shall be filled by appointment of the Governor.

That the State Highway Commission, with the approval of the Governor, shall employ some competent person, who may be of the Commission or not, who shall have control and supervision of the maintenance and construction of the public roads in this State; that the person so employed shall give his entire time to the performance of his duties, and may be removed at the pleasure of the chairman, or of the Governor, when in the judgment of the Chairman, or of the Governor, the public good requires it. That the person so employed shall receive such salary as the Commission, with the approval of the Governor may fix.

That when it is deemed necessary by the State Highway Commission, the Commission may, with the approval of the Governor, employ an additional person, who may be of the Commission or not, who shall have charge, control and supervision of the maintenance of the public roads in this State; that the person so employed shall give his entire time to the performance of the duties, and shall receive such salary as the Commission, with the ap-

proval of the Governor may fix. And such person may be removed at the will of the Chairman, or of the Governor.

That the State Highway Commission, with the approval of the Governor, shall appoint a State Highway Engineer, who shall be a competent Civil Engineer, who shall be at all times under the direction of the Chairman of the Commission, and of the Governor. That the State Highway Engineer shall give his entire time to the performance of his duties as such Engineer; and shall perform all the duties now required of him, or which may be hereafter required of him, by law. The State Highway Engineer shall receive such salary, not to exceed Six Thousand (\$6,000.00) Dollars per annum, as the Commission may, with the approval of the Governor, fix.

Mr. Ashcraft of Lauderdale offered the following substitute for the bill S. 172, said substitute being as follows:

Substitute for S. 172:

A BILL.

To be entitled an Act to amend an act approved October 31, 1921, entitled an act to provide further for the construction, repair, and maintenance of the public roads, bridges and highways in this State.

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled "An Act to provide further for the construction, repair and maintenance of the public roads, bridges, and highways in this State." Approved October 31, 1921, be, and the same hereby is, amended so as to read as follows:

Section 1. There is hereby created a State Highway Department for the State of Alabama, which shall consist of a State Highway Commission of three members, no two of whom shall be from the same Congressional District, to be selected as follows: The Governor shall nominate three persons for chairman and six for associate commissioners, and shall submit their names to each House of the Legislature. The said nominees shall be voted on by each House separately, and the nominee receiving the majority vote of each House for Chairman shall be the chairman of the commission, and the two nominees receiving the majority vote of each House for associate commissioners shall be the associate members of the commission. In the event one of the nominees for chairman or two of the nominees for associate commissioners shall not receive a majority vote of each House, the two houses shall meet in joint session and elect from the nominees a person or persons to fill the places not filled by separate election as hereinbefore provided. And in event of such joint session a vote of three-fifths of the mem-

bers attending such joint session shall be required for the election of any member of said commission as herein provided. The said Commissioners shall be bona fide residents and qualified electors of Alabama. Unless otherwise removed from office as is provided for in this Act, the President of the Commission shall serve for a term of six years from date of appointment, one associate commissioner shall serve for a term of four years from date of appointment, and the other associate commissioner shall serve for a term of two years from date of appointment, after which the term of each member shall be four years, unless sooner removed as is provided for in this act. The Governor may remove any member as is now provided by law for the removal of appointive officers by the Governor. All vacancies in the Commission shall be filled by appointment of the Governor for the unexpired term. Two members of the Commission shall constitute a quorum for the transaction of business of the State Highway Department. Notice of all meetings of the Commission shall be given by the Secretary of the Commission in such manner and under such rules or regulations as may be prescribed by the Commission. Each of the Commissioners shall execute bond in such amount as the Governor may require, payable to the State, in some guarantee company doing business in Alabama.

Section 2. The State Highway Commission shall consider and determine all questions relating to the general policy of the State Highway Department and the conduct of its work and in the performance of its duties. It shall receive and consider the reports of the State Highway Engineer and act for the State Highway Department in all matters taken upon the recommendations of the State Highway Engineer. It shall be the duty of the Department to designate the roads to be constructed, repaired and maintained and to construct, standardize, repair and maintain roads and bridges of this State; and to that end and for that purpose the department may with the consent and approval of the Governor disburse any moneys hereby or otherwise appropriated or set apart for the construction, repair or maintenance of the public roads, bridges and highways of this State. On or before the first day of October in each year, it shall be the duty of the Department to submit a printed report to the Governor, stating as near as possible the number of miles of roads built or improved and also the culverts and bridges constructed during the preceding fiscal year, showing the cost and general character of same and the location of materials suitable for road construction, showing where such roads, culverts and bridges have been constructed. The Department shall also recommend to the Governor and Legislature such legislation as it

deems advisable and furnish any other information concerning road and bridge improvements as may be deemed expedient by the Governor and the Legislature.

Section 3. The Department shall have a seal and each member of the Commission shall have the power to administer oaths, make affidavits, and make certificates. The Department shall be provided with suitable offices at the State Capitol, or such other places as the needs of the Department may require, but no office in any other place than the Capitol shall be established as an office of said Department without the consent and approval of the Governor in writing. All offices shall be kept open at such times as the business of the Department and the convenience and interest of the public may require. The offices shall be conveniently and properly furnished at the expense of the State and shall be the depository for all records of the State Highway Department. The State Highway Commissioners shall give their entire time to the duties of their office. One of the Commissioners shall be designated as Commissioner of Construction, and shall have charge of the construction of roads, bridges and culverts and devote his entire time thereto, except as his time may be required on matters coming before the entire Commission. The other of the Associate Commissioners shall be designated as Commissioner of Maintenance, and shall devote his time to the maintenance and repair of roads, bridges and culverts which have been or shall be constructed or taken over under authority of this act, and they shall see that the work is done in accordance with the plans of the Department. The salary of the President of the State Highway Commission shall be \$6,000.00 per annum, and the salaries of the two associate Commissioners shall be \$5,500.00 per annum, each. Said salaries shall be paid in monthly installments on warrants drawn by the Auditor. They shall also be paid their necessary traveling expenses when absent from the offices of the said Commission on business of the Highway Department upon itemized verified statements approved by the President of the said Commission and the Governor. Nothing in this section shall conflict with the jurisdiction, authority and duties of the Governor, the State Budget Commission and the Board of Convict Supervisors.

Section 4. The Commission shall elect a State Highway Engineer, whose election shall be approved by the Governor, who shall be a competent civil engineer, having had not less than six years responsible engineering experience of which not less than three years must have been in responsible highway engineering. The State Highway Engineer shall hold office at the pleasure of the Commission and his salary not to exceed six thousand dollars per annum, shall be fixed by the Commis-

sion with the approval of the Governor, and be payable monthly. The State Highway Engineer shall not be entitled to a vote on matters coming before or considered by the State Highway Commission. The State Highway Engineer shall also be allowed his actual and necessary traveling expenses as provided by law while engaged in the performance of his official duties and he shall give his whole time to the duties of his office. He shall take the constitutional oath of office and both he and such of his assistants as the Governor may designate or require shall execute bonds, in amounts to be fixed by the Governor, payable to the State in some guaranty company doing business in Alabama, which bonds shall be approved by the Governor and conditioned upon the faithful and efficient performance of their official duties. The cost of premiums of such bond shall be paid by the State Highway Department. The State Highway Commission shall keep an official record of all its acts and doings. The Commission may employ such assistant engineers, chemist, clerks, stenographers, draftsmen, foremen and laborers as may be necessary for the proper carrying on of the work of the State Highway Department and may fix their compensation and the time of payment which shall be paid out of the State Highway Fund. The State Highway Engineer, with the approval of the Commission, shall give such advice and assistance to all county and municipal officials with regard to the construction and maintenance of roads and bridges in the State as his time and other duties will permit and in accordance with the rules and regulations prescribed by the Department.

Section 5. Motor vehicles used by the State Highway Department, its officials or engineers shall not be subject to any State, county or municipal license.

Section 6. The Attorney General of the State shall be ex-officio attorney for the State Highway Department and shall give such Department such legal counsel as it may require. He shall receive his necessary traveling expenses as provided by law when in the performance of the discharge of his duties as ex-officio attorney for said Department.

Section 7. The State Highway Commission shall keep on file in its office copies of all plans and specifications prepared by the State Highway Department and the files and records of such Department shall, under reasonable regulations, be kept open for inspection of the public at all reasonable hours. Certified copies of such records shall be received in evidence in all the courts of this State.

Section 8. The State Highway Department shall cause to be made and kept in its office a general highway map of the State which shall show all State Trunk Roads. It shall collect

information and prepare statistics relative to the mileage, character and condition of the roads and bridges in all counties of the State. It shall investigate and determine the methods of road construction best adapted to the various sections of the State and shall establish standards for the maintenance of roads and bridges which have been constructed with State Aid. It may at all reasonable times be consulted by county and municipal officials relative to any matter relating to the construction of roads and bridges or culverts and the Commission may also call on all county and municipal officials for any information or assistance it may require and it shall be their duty to supply the same. Any county or municipal official who wilfully and without just excuse fails or refuses to supply such information when requested by the Commission shall be guilty of a misdemeanor and upon conviction be fined not less than ten nor more than one hundred dollars. The State Highway Commission shall determine the character and have the general supervision over the construction and maintenance of all the public roads, bridges, and culverts in the state where the funds of the state are used.

Section 9. There is hereby appropriated to the State Highway Department, for its use the entire net revenue derived by the State from the sale of motor vehicle, trailer and tractor licenses and such other appropriations or funds received by the State Highway Department shall be expended and accounted for as herein provided. Said State Highway Fund shall be paid out of the Treasury on the State Auditor's warrant drawn upon presentation to him of the certificate of the State Highway Commission signed by the President and approved by the Governor.

Section 10. All proceeds arising from the sale of State Highway Bonds and the revenue appropriated to the State Highway Department, when received by the State Treasurer shall be set aside in a special fund known as the State Highway Fund, and be used for no other purpose than in the carrying out of the provisions of this Act. The Revenue derived by the State from the sale of motor vehicles, trailer and tractor licenses and all other appropriations shall be used for the following purposes, first, to provide a sinking fund sufficient for the retirement of the said road bonds as they shall mature, second, for the expenses of the Highway Department and for the maintenance of roads and bridges constructed under the provisions of this Act, third, for the purchase of supplies and material, live stock and machinery, and any balance for the construction of roads and bridges. Annually, at such times as they may deem most convenient or suitable, the State Highway Department, shall, out of said revenues, set apart a sum sufficient for the providing of said sinking fund and for the further expenses of the Highway De-

partment and the maintenance of constructed roads and bridges, and the sum so set apart shall be used for no other purposes whatever. The proceeds of the sale of State roads bonds and the moneys appropriated by Congress under the Act known as the Federal Aid Law, shall be used exclusively for the purpose of constructing highways and bridges and the acquisition of bridges and of material.

Section 11. The State Highway Department shall have the right and power to adopt all reasonable and necessary rules and regulations for the better construction, repair and maintenance of the public roads and bridges in Alabama which the Commission shall deem proper. The Department shall have the power to enter into contracts and agreements with the owners or operators of telegraph or telephone lines or power transmission lines which are constructed or operated along or across the public roads, bridges and highways of this State and to prescribe all reasonable rules and regulations as to the construction, repair or maintenance of the poles, wires and lines of such telegraph or telephone companies so as to insure the safety of the public in using the roads, bridges and highways in this State. The Department may also prescribe any reasonable rules and regulations so as to prevent unnecessary trespassing upon or injury to any of the public roads, bridges, or highways of the State, upon which State money may be expended or appropriated, or upon any part of the right of way of any of the public roads or highways in the State, upon which the State money may be expended or appropriated. The Department shall also have the right and power to prescribe reasonable rules and regulations as to the weight or tonnage of vehicles to be used upon any of the public roads, bridges, or highways of the State upon which State money may be expended or appropriated. The Department shall also have the right and power to contract and enter into agreements with other states as to the construction, repair, or maintenance of any bridge across any stream which forms the boundary line between this and any other State.

Section 11½. No member of the State Highway Commission, the State Highway Engineer or any other person in the employ of the State Highway Department shall be either directly or indirectly interested in any contract or agreement for the construction or maintenance of any road or bridge in this State, or in the sale of any machinery, material or anything whatsoever entering into the construction, repair or maintenance of the roads and bridges in this State and any person violating the provisions of this section shall be guilty of a felony and upon conviction thereof shall be sentenced to imprisonment in the penitentiary for not less than two nor more than ten years.

Section 12. The State Highway Department shall reserve out of the State Highway Fund a sufficient sum annually to support the State Highway Department, the balance shall be used in the construction and maintenance and repair of the State Trunk Roads and bridges on the State Trunk Roads as is or may be provided by law. Before making any appropriations to counties of State aid fund, the State Highway Department shall first set aside out of the State Highway Fund a sum which, in its opinion, is sufficient to secure the Federal Fund apportioned to this State, so that the State will not lose the benefit of the appropriation of Federal Aid. Whenever the Court of County Commissioners, Board of Revenue or other like governing body of a county shall desire that a State Trunk Road or a bridge on a State Trunk Road in said county be constructed or maintained, with State Aid, written application shall be made by the County to the State Highway Department under such rules and regulations as the Department may prescribe. Such applications, when made, shall be considered by the Department and if approved by it, the Commission shall direct the State Highway Engineer or one of his assistants to view said road or bridge and cause to be made suveys, plans, specifications and estimates of the cost of construction of maintenance and the State Highway Department may thereupon appropriate out of the State Highway Fund such part of the estimated cost of such work as it may deem proper and the State Highway Department shall proceed to do such work by contract or with its own forces. If it deems best, the Department may accept appropriations from the county for said work, which shall be paid into the State Treasury to the credit of the State Highway Fund before the work begins. Whenever a county fails to make application for the construction or maintenance of a road, or bridge or the Department deems it best for such work to be done, it may proceed to construct or maintain any part of the State Trunk Road or bridge upon a State Trunk Road and pay part or all of the cost of such work out of the State Highway Fund.

Section 13. The State Highway Department shall furnish a competent engineer, when needed, during the progress of road or bridge construction, repair or maintenance in any county under the provisions of this Act, who shall supervise said work and see that the plans and specifications are complied with. Whenever it is proposed to do such work by contract and the estimated cost of such work exceeds five thousand dollars, the State Highway Department shall advertise for bids for at least thirty days in advance of the award of the contract in a newspaper published in the city of Montgomery and in a newspaper published in the county where the work is to be done, and in any other newspaper

or periodical if the Department deems such other publication necessary, and shall receive bids for all or a part of said work and let the contract to the lowest responsible bidder. When proposals are asked for doing work of a general nature over the State it shall not be necessary for advertising to be inserted in papers in each county, but the Department must advertise in at least three daily papers published in the State for at least two weeks. It shall reserve the right, however, to reject any and all bids and call for new bids, or perform the work or any part of said work by day labor or convict labor or by entering into a contract with the Convict Department of the State to do such work or labor as it may deem best for the interest of the State and the county. The State Highway Department may enter into contracts with any of the counties of this State, or with any of the municipalities of this State as it may with individuals, firms or private corporations, to do any work in the construction, repair, or maintenance of the roads, bridges or highways in this State. When any work is to be done by contract, whether with individuals, firms, private or public corporations, the State Highway Department shall require a bond in some guaranty company doing business in this State, of the contractor, for the faithful performance of the work agreed and contracted to be done. Such bonds shall be payable to the State of Alabama and shall be approved by the State Highway Department and it shall be in an amount equal to the contract price and conditioned to do and perform the work in accordance with the contract or agreement. The State Highway Department may authorize partial payments to the contractor performing any road or bridge work as the work may progress. The progress estimates and payments shall be based upon materials placed and labor expended upon the work, but not more than 85% of the contract price of the work shall be paid in advance of the full completion and acceptance of the work. At least 15% of the full contract price of any such work shall be withheld until the work is satisfactorily completed and approved by the State Highway Engineer, and the Commission.

Section 14. Every contract for road or bridge construction, repair or maintenance under the provisions of this Act shall be made in the name of the State of Alabama, approved by the State Highway Engineer, the State Highway Department and signed by the State Highway Engineer and countersigned by the President of the State Highway Commission.

Section 15. The rights of way deemed necessary by the State Highway Department for a road or bridge constructed under the provisions of this Act shall be acquired by the county in which such road is to be located, without expense to the State.

Should the county fail or refuse to acquire the necessary right of way, the State through the State Highway Department shall have authority at the expense of the county to acquire such right of way, either by purchase or by the exercise of the right of eminent domain in condemnation proceedings, as is provided for under the laws of this State. The State, acting through the State Highway Department and its duly authorized employees and the various counties of the State, acting through the Board of Revenue or other like body and their duly authorized employees, in the doing of public road work, shall have and exercise the right, power and authority, when deemed necessary or advisable so to do, to close public roads to traffic, and when possible so to do, to make detour roads and to contract for such land as may be necessary for such detour roads; also to acquire by purchase or by condemnation land necessary for drainage ditches and borrow pits, lime and stone quarries, clay and clay pits, sand and sand pits, gravel and gravel pits, together with any and all other material of every character that may be necessary or essential or desired in the construction and maintenance of highways and bridges, and to tap and draw material from the same to such extent as may be desired, and the State Highway Department shall also have a right to acquire by purchase or condemnation rights of way necessary for ingress and egress to such material pits as above named. Provided no contracts for construction, repairs or renewals of highways, bridges, or culverts shall be let without the approval of the Governor and until after all necessary rights of way for such highways and rights for materials for construction and rights of way for ingress and egress to said material have been legally procured and all documents covering such procurement have been placed on file with the president of the Commission.

Section 16. No road constructed or maintained under the provisions of this Act shall be dug up or used for laying pipe line, pole lines, sewers, railways, or for other similar purposes without the written permit of the State Highway Commission and such work shall be done only in accordance with regulations prescribed by the Commission and the cost of replacing the road in as good condition as it was before such work was done shall be paid by the person, firm or corporation to whom or in whose behalf such permit was given. Such person, firm, or corporation so desiring such work, shall furnish the State with a cash deposit or certified check upon a solvent bank in the amount required by the State Highway Commission conditioned that the sum is to be forfeited to the State in the event that said road is not placed in as good condition as it was prior to said work being done, within fifteen days from the time said work is completed.

Section 17. The State Highway Department is authorized to rent, construct or purchase such buildings, stock, machinery, tools, materials and other equipment as it may find necessary for use in carrying out the provisions of this Act and pay for the same out of the State Highway Fund. It shall also pay out of said fund the necessary expenses of the Department of every description including traveling expenses of the officials and engineers, foremen and clerks, while in the actual performance of their duties authorized or imposed by this Act and also the cost of all supplies or materials furnished for said Department, and for the maintenance of all live stock and machinery used by the Department or its agents.

Section 18. The State Highway Department shall have full authority to make such changes or additions to the system of State Trunk Roads to conform to the requirements of the Federal Aid Law, as it may deem proper and construct or maintain the same with State Aid under the provisions of this act.

Section 19. The State Highway Department may work State Convicts in the construction or maintenance of public roads and bridges of Alabama as may now or may hereafter be provided by law, or may work State Convicts in construction, repairing, or maintaining public roads or bridges by contract or agreement with the Board of Convict Supervisors.

Section 20. The State of Alabama hereby assents to the provisions of the Act of Congress approved July 11, 1916, known as the Federal Aid Law, which Act of Congress is entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads and for other purposes," and assents to all subsequent amendments to such act of Congress. The State Highway Department is hereby authorized to enter into all contracts and agreements with the United States Government relating to the construction, and maintenance of rural post roads under the provisions of said act of Congress and all amendments thereto, to submit such schemes or programs of construction and maintenance as may be required by the Secretary of Agriculture, and to do all other things necessary to fully carry out the co-operation, contemplated and provided for by said Act of Congress and all amendments thereto. The good faith of the State of Alabama is hereby pledged to make available funds sufficient to equal the sum apportioned to the State by or under the United States Government and maintain the roads constructed under the provisions of the Act of Congress or any amendment thereto and to make adequate provision for caring for such maintenance.

Section 21. The State Highway Commission or Highway Department shall locate, construct and maintain highways and

State Trunk Roads so as to connect each county seat with the county seat of the adjoining county by the most direct and most feasible route by a permanent road, having due regard to the public welfare and to connect the county seats of the several border counties at or near the State line with a public road in the border states.

From and after the passage of this act no contract or agreement for the location or construction of any road or highway in this State shall be made unless such road or highway shall tend to connect the various county seats of the State by the most direct route as provided for in the act approved September 30, 1919, and also an act approved October 29, 1921. Provided this act shall not interfere with any road work contracted for before the passage of this act.

Section 22. It shall be the duty of said Highway Commission or Highway Department to equitably apportion among the several counties the expenditure of both money and labor and the time or times of making such investment; said roads to be constructed or maintained without expense to the several counties, except as is otherwise provided in this Act, or other laws of this State.

Section 23. By the phrase "equitably apportioned" as is used in the next preceding section of this act is meant that not less than three hundred thousand dollars of State funds for roads shall be set aside and expended in each county in the State by the State Highway Commission.

Section 24. The State Highway Department in addition to the right, authority and powers conferred upon it by this Act, is authorized to make all such reasonable rules and regulations as the Department may deem necessary to carry out the provisions of this Act and to construct, maintain and repair the public roads and bridges of this State; and any person, firm or corporation which violates any of the provisions of this Act or any reasonable rule or regulation prescribed by the State Highway Department for the better construction, repair and maintenance, protection and preservation of the public roads, bridges, highways and rights of way of roads and highways in this State, shall be guilty of a misdemeanor and on conviction, shall be punished by a fine of not less than ten nor more than five hundred dollars, and at the discretion of the judge trying the case, in addition to the fine may be sentenced to hard labor for a term of not to exceed six months, except in a case in which a different punishment is provided for in this Act, then the punishment so provided for otherwise in this Act shall be imposed.

Section 25. All laws, or parts of laws, local or general, inconsistent or in conflict with the provisions of this Act, are hereby repealed.

Section 26. If any section or provision of this Act shall be held to be void or unconstitutional, it shall not affect or destroy the validity or constitutionality of any other section or provision which is not of itself void and unconstitutional.

Section 27. This Act shall take effect upon approval of the Governor.

And on motion of Mr. Long the substitute offered by Mr. Ashcraft of Lauderdale was laid upon the table.

Yeas, 49; nays, 43.

Yeas:

Messrs:

Adams	Gaines	Hornsby	Odom
Adcock	Glover	Howard	Poole
Blackwell	Goode	Jeter	Ringer
Boykin	Grove	Kilpatrick	St. John
Burns	Guy	LeMaistre	Sanders (Conecuh)
Byars	Hall	Letson	Sanders (Pike)
Cook	Hampton	Long	Sessions
Culver	Hatter	Love	Smith (Clay)
Dunwoody	Hawkins	McDaniel	Sollie
Fanning	Henley	Moxley	Tiller
Ferrell	Henson	Nichols	Tyson
Fite	Hodgson	Norman	Wall
Forman			

—49

Nays:

Messrs:

Mr. Speaker	Christian	Lee	Stewart (Calhoun)
Allen	Coleman	Luck	Tunstall
Arrington	Deloney	McGowen	Varner
Ashcraft (Fayette)	Dickinson	Melton	Verner
Ashcraft (Lauderdl.)	Dowdle	Moorer	Walker
Bealle	Embry	Parker	Walton
Bowen, Lewis	Glenn	Patterson	Ware
Bowen, L. K.	Goodwyn	Rives	Mrs. Wilkins
Burton	Howze	Rountree	Williams
Calloway	Jones	Smith (Jefferson)	Young
Cato	Kilborn	Smith (Lee)	

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Mr. Goodwyn offered the following substitute for the bill and pending amendment offered by Mr. Long:

A BILL.

Substitute for Senate bill No. 172:

To be entitled an Act to amend an act approved October 31, 1921, entitled an act to provide further for the construction, repair, and maintenance of the public roads, bridges and highways in this State.

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled "An Act to provide further for the construction, repair and maintenance of the public roads,

bridges, and highways in this State." Approved October 31, 1921, be, and the same hereby is, amended so as to read as follows:

Section 1. There is hereby created a State Highway Department for the State of Alabama, which shall consist of a State Highway Commission and a State Highway Engineer. The Commission shall consist of three members, no two of whom shall be from the same Congressional District, to be appointed by the Governor. The said Commissioners shall be bona fide residents and qualified electors of Alabama. Unless otherwise removed from office as is provided for in this Act, the President of the Commission shall serve for a term of six years from date of appointment, one associate commissioner shall serve for a term of four years from date of appointment, and the other associate commissioner shall serve for a term of two years from date of appointment, after which the term of each member shall be four years, unless sooner removed as is provided for in this act. The Governor may remove any member as is now provided by law for the removal of appointive officers by the Governor. All vacancies in the Commission shall be filled by appointment of the Governor for the unexpired term. Two members of the Commission shall constitute a quorum for the transaction of business of the State Highway Department. Notice of all meetings of the Commission shall be given by the Secretary of the Commission in such manner and under such rules or regulations as may be prescribed by the Commission. Each of the Commissioners shall execute bond in such amount as the Governor may require, payable to the State, in some guarantee company doing business in Alabama.

Section 2. The State Highway Commission shall consider and determine all questions relating to the general policy of the State Highway Department and the conduct of its work and in the performance of its duties. It shall receive and consider the reports of the State Highway Engineer and act for the State Highway Department in all matters and in each instance shall determine what final action shall be taken upon the recommendations of the State Highway Engineer. It shall be the duty of the Department to designate the roads to be constructed, repaired and maintained and to construct, standardize, repair and maintain roads and bridges of this State; and to that end and for that purpose the department may with the consent and approval of the Governor disburse any moneys hereby or otherwise appropriated or set apart for the construction, repair or maintenance of the public roads, bridges and highways of this State. On or before the first day of April in each year, it shall be the duty of the Department to submit a printed report to the Gov-

ernor, stating as near as possible the number of miles of roads built or improved and also the culverts and bridges constructed during the preceding fiscal year, showing the cost and general character of same and the location of materials suitable for road construction, showing where such roads, culverts and bridges have been constructed. The Department shall also recommend to the Governor and Legislature such legislation as it deems advisable and furnish any other information concerning road and bridge improvements as may be deemed expedient by the Governor and the Legislature.

Section 3. The Department shall have a seal and each member of the Commission shall have the power to administer oaths, make affidavits, and make certificates. The Department shall be provided with suitable offices at the State Capitol, or such other places as the needs of the Department may require, but no office in any other place than the Capitol shall be established as an office of said Department without the consent and approval of the Governor in writing. All offices shall be kept open at such times as the business of the Department and the convenience and interest of the public may require. The offices shall be conveniently and properly furnished at the expense of the State and shall be the depository for all records of the State Highway Department. The State Highway Commissioners shall give their entire time to the duties of their office. One of the Commissioners shall be designated as Commissioner of Construction, and shall have charge of the construction of roads, bridges and culverts and devote his entire time thereto, except as his time may be required on matters coming before the entire Commission. The other of the Associate Commissioners shall be designated as Commission of Maintenance, and shall devote his time to the maintenance and repair of roads, bridges and culverts which have been or shall be constructed or taken over under authority of this act, and they shall see that the work is done in accordance with the plans of the Department. The salary of the President of the State Highway Commission shall be \$6,000.00 per annum, and the salaries of the two associate Commissioners shall be \$5,500.00 per annum, each. Said salaries shall be paid in monthly installments on warrants drawn by the Auditor. They shall also be paid their necessary traveling expenses when absent from the offices of the said Commission on business of the Highway Department upon itemized verified statements approved by the President of the said Commission and the Governor. Nothing in this section shall conflict with the jurisdiction, authority and duties of the Governor, the State Budget Commission and the Board of Convict Supervisors.

Section 4. The Commission shall elect a State Highway Engineer, whose election shall be approved by the Governor, who

shall be a competent civil engineer, having had not less than six years responsible engineering experience of which not less than three years must have been in responsible highway engineering. The State Highway Engineer shall hold office at the pleasure of the Commission and his salary not to exceed six thousand dollars per annum, shall be fixed by the Commission with the approval of the Governor, and be payable monthly. The State Highway Engineer shall not be entitled to a vote on matters coming before or considered by the State Highway Commission. The State Highway Engineer shall also be allowed his actual and necessary traveling expenses as provided by law while engaged in the performance of his official duties and he shall give his whole time to the duties of his office. He shall take the constitutional oath of office and both he and such of his assistants as the Governor may designate or require shall execute bonds, in amount to be fixed by the Governor, payable to the State in some guaranty company doing business in Alabama, which bonds shall be approved by the Governor and conditioned upon the faithful and efficient performance of their official duties. The cost of premiums of such bond shall be paid by the State Highway Department. The State Highway Commission shall keep an official record of all its acts and doings. The Commission shall also employ such assistant engineers, chemist, clerks, stenographers, draftsmen, foremen and laborers as may be necessary for the proper carrying on of the work of the State Highway Department and may fix their compensation and the time of payment which shall be paid out of the State Highway Fund. The State Highway Engineer, with the approval of the Commission, shall give such advice and assistance to all county and municipal officials with regard to the construction and maintenance of roads and bridges in the State as his time and other duties will permit and in accordance with the rules and regulations prescribed by the Department.

Section 5. Motor vehicles used by the State Highway Department, its officials or engineers shall not be subject to any State, county or municipal license.

Section 6. The Attorney General of the State shall be ex-officio attorney for the State Highway Department and shall give such Department such legal counsel as it may require. He shall receive his necessary traveling expenses as provided by law when in the performance of the discharge of his duties as ex-officio attorney for said Department.

Section 7. The State Highway Commission shall keep on file in its office copies of all plans and specifications prepared by the State Highway Department and the files and records of such Department shall, under reasonable regulations, be kept

open for inspection of the public at all reasonable hours. Certified copies of such records shall be received in evidence in all the courts of this State.

Section 8. The State Highway Department shall cause to be made and kept in its office a general highway map of the State which shall show all State Trunk Roads. It shall collect information and prepare statistics relative to the mileage, character and condition of the roads and bridges in all counties of the State. It shall investigate and determine the methods of road construction best adapted to the various sections of the State and shall establish standards for the maintenance of roads and bridges which have been constructed with State Aid. It may at all reasonable times be consulted by county and municipal officials relative to any matter relating to the construction of roads and bridges or culverts and the Commission may also call on all county and municipal officials for any information or assistance it may require and it shall be their duty to supply the same. Any county or municipal official who wilfully and without just excuse fails or refuses to supply such information when requested by the Commission shall be guilty of a misdemeanor and upon conviction be fined not less than ten nor more than one hundred dollars. The State Highway Commission shall determine the character and have the general supervision over the construction and maintenance of all the public roads, bridges, and culverts in the state where the funds of the state are used.

Section 9. There is hereby appropriated to the State Highway Department, for its use the entire net revenue derived by the State from the sale of motor vehicle, trailer and tractor licenses, and such other appropriations or funds received by the State Highway Department shall be expended and accounted for as herein provided. Said State Highway Fund shall be paid out of the Treasury on the State Auditor's warrant drawn upon presentation to him of the certificate of the State Highway Commission signed by the President and approved by the Governor.

Section 10. All proceeds arising from the sale of State Highway Bonds and the revenue appropriated to the State Highway Department, when received by the State Treasurer shall be set aside in a special fund known as the State Highway fund, and be used for no other purpose than in the carrying out of the provisions of this Act. The Revenue derived by the State from the sale of motor vehicles, trailer and tractor licenses and all other appropriations shall be used for the following purposes, first, to provide a sinking fund sufficient for the retirement of the said road bonds as they shall mature, second, for the expenses of the Highway Department and for the maintenance of roads and bridges constructed under the provisions of this Act, third,

for the purchase of supplies and material, live stock and machinery, and any balance for the construction of roads and bridges. Annually, at such times as they may deem most convenient or suitable, the State Highway Department, shall, out of said revenues, set apart a sum sufficient for the providing of said sinking fund and for the further expenses of the Highway Department and the maintenance of constructed roads and bridges, and the sum so set apart shall be used for no other purposes whatever. The proceeds of the sale of State road bonds and the moneys appropriated by Congress under the Act known as the Federal Aid Law, shall be used exclusively for the purpose of constructing highways and bridges and the acquisition of bridges and of material.

Section 11. The State Highway Department shall have the right and power to adopt all reasonable and necessary rules and regulations for the better construction, repair and maintenance of the public roads and bridges in Alabama which the Commission shall deem proper. The Department shall have the power to enter into contracts and agreements with the owners or operators of telegraph and telephone lines or power transmission lines which are constructed or operated along or across the public roads, bridges and highways of this State and to prescribe all reasonable rules and regulations as to the construction, repair or maintenance of the poles, wires and lines of such telegraph or telephone companies so as to insure the safety of the public in using the roads, bridges and highways in this State. The Department may also prescribe any reasonable rules and regulations so as to prevent unnecessary trespassing upon or injury to any of the public roads, bridges, or highways of the State, upon which State money may be expended or appropriated, or upon any part of the right of way of any of the public roads or highways in the State, upon which State money may be expended or appropriated. The Department shall also have the right and power to prescribe reasonable rules and regulations as to the weight or tonnage of vehicles to be used upon any of the public roads, bridges, or highways of the State upon which State money may be expended or appropriated. The Department shall also have the right and power to contract and enter into agreements with other states as to the construction, repair, or maintenance of any bridge across any stream which forms the boundary line between this and any other state.

Section 11½. No member of the State Highway Commission, the State Highway Engineer or any other person in the employ of the State Highway Department shall be either directly or indirectly interested in any contract or agreement for the construction or maintenance of any road or bridge in this State,

or in the sale of any machinery, material or anything whatever entering into the construction, repair or maintenance of the roads and bridges in this State and any person violating the provisions of this section shall be guilty of a felony and upon conviction thereof shall be sentenced to imprisonment in the penitentiary for not less than two nor more than ten years.

Section 12. The State Highway Department shall reserve out of the State Highway Fund a sufficient sum annually to support the State Highway Department, the balance shall be used in the construction and maintenance and repair of the State ~~Trunk Roads~~ **Trunk Roads** and bridges on the State Trunk Roads as is or may be provided by law. Before making any appropriations to counties of State aid fund, the State Highway Department shall first set aside out of the State Highway Fund a sum which, in its opinion, is sufficient to secure the Federal Fund apportioned to this State, so that the State will not lose the benefit of the appropriation of Federal Aid. Whenever the Court of County Commissioners, Board of Revenue or other like governing body of a county shall desire that a State Trunk Road or a bridge on a State Trunk Road in said county be constructed or maintained, with State Aid, written application shall be made by the County to the State Highway Department under such rules and regulations as the Department may prescribe. Such applications, when made, shall be considered by the Department and if approved by it, the Commission shall direct the State Highway Engineer or one of his assistants to view said road or bridge and cause to be made surveys, plans, specifications and estimates of the cost of construction of maintenance and the State Highway Department may thereupon appropriate out of the State Highway Fund such part of the estimated cost of such work as it may deem proper and the State Highway Department shall proceed to do such work by contract or with its own forces. If it deems best, the Department may accept appropriations from the county for said work, which shall be paid into the State Treasury to the credit of the State Highway Fund before the work begins. Whenever a county fails to make application for the construction or maintenance of a road, or bridge or the Department deems it best for such work to be done, it may proceed to construct or maintain any part of the State Trunk Road or bridge upon a State Trunk Road and pay part or all of the cost of such work out of the State Highway Fund.

Section 13. The State Highway Department shall furnish a competent engineer, when needed, during the progress of road or bridge construction, repair or maintenance in any county under the provisions of this Act, who shall supervise said work and see that the plans and specifications are complied with.

Whenever it is proposed to do such work by contract and the estimated cost of such work exceeds five thousand dollars, the State Highway Department shall advertise for bids for at least thirty days in advance of the award of the contract in a newspaper published in the city of Montgomery and in a newspaper published in the county where the work is to be done, and in any other newspaper or periodical if the Department deems such other publication necessary, and shall receive bids for all or a part of said work and let the contract to the lowest responsible bidder. When proposals are asked for doing work of a general nature over the state it shall not be necessary for advertising to be inserted in papers in each county, but the Department must advertise in at least three daily papers published in the State for at least two weeks. It shall reserve the right, however, to reject any and all bids and call for new bids or perform the work or any part of said work by day labor or convict labor or by entering into a contract with the Convict Department of the State to do such work or labor as it may deem best for the interest of the State and the county. The State Highway Department may enter into contracts with any of the counties of this State, or with any of the municipalities of this State as it may with individuals, firms or private corporations, to do any work in the construction, repair, or maintenance of the roads, bridges or highways in this State. When any work is to be done by contract, whether with individuals, firms, private or public corporations, the State Highway Department shall require a bond in some guaranty company doing business in this State, of the contractor, for the faithful performance of the work agreed and contracted to be done. Such bonds shall be payable to the State of Alabama and shall be approved by the State Highway Department and it shall be in an amount equal to the contract price and conditioned to do and perform the work in accordance with the contract or agreement. The State Highway Department may authorize partial payments to the contractor performing any road or bridge work as the work may progress. The progress estimates and payments shall be based upon materials placed and labor expended upon the work, but not more than 85% of the contract price of the work shall be paid in advance of the full completion and acceptance of the work. At least 15% of the full contract price of any such work shall be withheld until the work is satisfactorily completed and approved by the State Highway Engineer, and the Commission.

Section 14. Every contract for road or bridge construction, repair or maintenance under the provisions of this Act shall be made in the name of the State of Alabama, approved by the State Highway Engineer, the State Highway Department and by

the President of the State Highway Commission, and the Governor.

Section 15. The rights of way deemed necessary by the State Highway Department for a road or bridge constructed under the provisions of this Act shall be acquired by the county in which such road is to be located, without expense to the State. Should the county fail or refuse to acquire the necessary right of way, the State through the State Highway Department shall have authority at the expense of the county to acquire such right of way, either by purchase or by the exercise of the right of **eminent domain in condemnation proceedings**, as is provided for under the laws of this State. The State, acting through the State Highway Department and its duly authorized employees and the various counties of the State, acting through the Board of Revenue or other like body and their duly authorized employees, in the doing of public road work, shall have and exercise the right, power and authority, when deemed necessary or advisable so to do, to close public roads to traffic, and when possible so to do, to make detour roads and to contract for such land as may be necessary for such detour roads; also to acquire by purchase or by condemnation land necessary for drainage ditches and borrow pits, lime and stone quarries, clay and clay pits, sand and sand pits, gravel and gravel pits, together with any and all other material of every character that may be necessary or essential or desired in the construction and maintenance of highways and bridges, and to tap and draw material from the same to such extent as may be desired, and the State Highway Department shall also have the right to acquire by purchase or condemnation rights of way necessary for ingress and egress to such material pits as above named. Provided no contracts for construction, repairs or renewals of highways, bridges, or culverts shall be let without the approval of the Governor and until after all necessary rights of way for such highways and rights for materials for construction and rights of way for ingress and egress to said material have been legally procured and all documents covering such procurement have been placed on file with the president of the Commission.

Section 16. No road constructed or maintained under the provisions of this Act shall be dug up or used for laying pipe line, pole lines, sewers, railways, or for other similar purposes without the written permit of the State Highway Commission and such work shall be done only in accordance with regulations prescribed by the Commission and the cost of replacing the road in as good condition as it was before such work was done shall be paid by the person, firm or corporation to whom or in whose behalf such permit was given. Such person, firm, or corpora-

tion so desiring such work, shall furnish the State with a cash deposit or certified check upon a solvent bank in the amount required by the State Highway Commission conditioned that the sum is to be forfeited to the State in the event that said road is not placed in as good condition as it was prior to said work being done, within fifteen days from the time said work is completed.

Section 17. The State Highway Department is authorized to rent, construct or purchase such buildings, stock, machinery, tools, materials and other equipment as it may find necessary for use in carrying out the provisions of this Act and pay for the same out of the State Highway Fund. It shall also pay out of said fund the necessary expenses of the Department of every description including traveling expenses of the officials and engineers, foremen and clerks, while in the actual performance of their duties authorized or imposed by this Act and also the cost of all supplies or materials furnished for said Department, and for the maintenance of all live stock and machinery used by the Department or its agents.

Section 18. The State Highway Department shall have full authority to make such changes or additions to the system of State Trunk Roads to conform to the requirements of the Federal Aid Law, as it may deem proper and construct or maintain the same with State Aid under the provisions of this act.

Section 19. The State Highway Department may work State Convicts in the construction or maintenance of public roads and bridges of Alabama as may now or may hereafter be provided by law, or may work State Convicts in construction, repairing, or maintaining public roads or bridges by contract or agreement with the Board of Convict Supervisors.

Section 20. The State of Alabama hereby assents to the provisions of the Act of Congress approved July 11, 1916, known as the Federal Aid Law, which Act of Congress is entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads and for other purposes," and assents to all subsequent amendments to such act of Congress. The State Highway Department is hereby authorized to enter into all contracts and agreements with the United States Government relating to the construction, and maintenance of rural post roads under the provisions of said act of Congress and all amendments thereto, to submit such schemes or programs of construction and maintenance as may be required by the Secretary of Agriculture, and to do all other things necessary to fully carry out the co-operation, contemplated and provided for by said Act of Congress and all amendments thereto. The good faith of the State of Alabama is hereby pledged to make avail-

able funds sufficient to equal the sum apportioned to the State by or under the United States government and maintain the roads constructed under the provisions of the Act of Congress or any amendments thereto and to make adequate provision for caring for such maintenance.

Section 21. The State Highway Commission or Highway Department shall locate, construct and maintain highways and State Trunk Roads so as to connect each county seat with the county seat of the adjoining county by the most direct and most feasible route by a permanent road, having due regard to the public welfare and to connect the county seats of the several border counties at or near the State line with a public road in the border states.

From and after the passage of this act no contract or agreement for the location or construction of any road or highway in this State shall be made unless such road or highway shall tend to connect the various county seats of the State by the most direct route as provided for in the act approved September 30, 1919, and also an act approved October 29, 1921. Provided this act shall not interfere with any road work contracted for before the passage of this act.

Section 22. It shall be the duty of said Highway Commission or Highway Department to equitably apportion among the several counties the expenditure of both money and labor and the time or times of making such investment; said roads to be constructed or maintained without expense to the several counties, except as is otherwise provided in this Act, or other laws of this State.

Section 23. By the phrase "equitably apportioned" as is used in the next preceding section of this act is meant that not less than three hundred thousand dollars of State funds for roads shall be set aside and expended in each county in the State by the State Highway Commission.

Section 24. The State Highway Department in addition to the right, authority and powers conferred upon it by this Act, is authorized to make all such reasonable rules and regulations as the Department may deem necessary to carry out the provisions of this Act and to construct, maintain and repair the public roads and bridges of this State, and any person, firm or corporation which violates any of the provisions of this Act or any reasonable rule or regulation prescribed by the State Highway Department for the better construction, repair and maintenance, protection and preservation of the public roads, bridges, highways and rights of way of roads and highways of this State, shall be guilty of a misdemeanor and on conviction, shall be punished by a fine of not less than ten nor more than five hun-

dred dollars, and at the discretion of the judge trying the case, in addition to the fine may be sentenced to hard labor for a term of not to exceed six months, except in a case in which a different punishment is provided for in this Act, then the punishment so provided for otherwise in this Act shall be imposed.

Section 25. All laws, or parts of laws, local or general, inconsistent or in conflict with the provisions of this Act, are hereby repealed.

Section 26. If any section or provision of this Act shall be held to be void or unconstitutional, it shall not affect or destroy the validity or constitutionality of any other section or provision which is not of itself void and unconstitutional.

Section 27. This Act shall take effect upon approval of the Governor.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bill hereinafter mentioned was delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same.

Delivered to the Governor, September.

H. 738.

J. H. Stewart,
Clerk.

ADJOURNMENT.

On motion of Mr. Cook the House adjourned until tomorrow morning at 10 o'clock.

FORTY-SECOND DAY.

House of Representatives,
Montgomery, Alabama,
Friday, Sept. 7th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Mr. Adcock, member of the House from Tallapoosa county.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names :

Messrs:			
Mr. Speaker	Fanning	Kilborn	Sanders (Concuh)
Adams	Ferrell	Kilpatrick	Sanders (Pike)
Adcock	Fite	Lee	Sessions
Allen	Forman	LeMaistre	Smith (Clay)
Arrington	Gaines	Letson	Smith (Jefferson)
Ashcraft (Fayette)	Glenn	Long	Smith (Lee)
Ashcraft (Lauderd'e)	Glover	Love	Snodgrass
Bealle	Goode	Luck	Sollie
Blackwell	Goodwyn	McDaniel	Stewart (Bibb)
Bowen, Lewis	Graves	McGowen	Stewart (Calhoun)
Bowen, L. K.	Grove	Melton	Thompson (Etowah)
Boykin	Guy	Mooneyham	Tiller
Burns	Hall	Moorer	Tunstall
Burton	Hampton	Moxley	Tyson
Byars	Hatter	Nichols	Varnier
Calloway	Hawkins	Norman	Verner
Cato	Henley	Odom	Walker
Christian	Henson	Parker	Wall
Coleman	Hodgson	Patterson	Walton
Cook	Holcombe	Pickens	Ware
Culver	Hornsby	Poole	Mrs. Wilkins
Deloney	Howard	Posey	Williams
Dickinson	Howze	Ringer	Wyatt
Dowdle	Hubbard	Rives	Young
Dunwoody	Jeter	Rountree	
Embry	Jones		

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A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said committee has carefully examined the

Journal of the House for the Forty-first Legislative Day, and finds same correct.

O. W. Melton,
Chairman.

The report of the committee was concurred in and adopted and the Journal for the Forty-first Legislative Day was approved.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House:

By Mr. Randall:

S. 427. To prohibit members of the court of county commissioners or boards of revenue in the State of Alabama from awarding contracts in which the county of which such county commissioner or member of a board of revenue resides to any person related to them, by blood or marriage within the fourth degree, or to employ any such relatives to do any work for said county.

By Mr. Inzer:

S. 416. To make appropriations to the Alabama Technical Institute and College for Women, the University of Alabama and the Alabama Polytechnic Institute.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Judiciary, S. 427.

Ways, Means and Appropriations, S. 416.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Ellis:

S. 241. To amend section 11, of an Act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such elec-

tions vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds."

By Mr. Ellis:

S. 242. To validate certain bonds heretofore or hereafter issued by municipal corporations in Alabama. Whereas section 11 of an Act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds" contains the following limitation, to-wit: "but no bond bearing six per cent interest shall run for a longer period than ten years."

By Mr. Brower:

S. 156. To regulate charges, fees or costs in criminal cases of the circuit courts in all counties in this State having a population of 200,000 according to the last or any subsequent Federal census.

Also:

By Mr. Foster:

S. 373. To amend section 6866 of the Code of Alabama of 1907.

Also:

By Mr. Brower:

S. 425. To provide for the appointment of official court reporters by the judges of the criminal divisions of the circuit court in judicial circuits which now have or may hereafter have more than five judges; to fix their compensation and define their duties.

Also:

By Mr. Oliver:

S. 312. To amend section 1935 of the Code of Alabama of 1907.

Also:

By Mr. Brower:

S. 381. To empower municipal corporations having a population of 100,000 inhabitants, or more, according to the last or any subsequent Federal census, to provide for, regulate, and restrict the segregation of business, industrial and residential sections, the height, number of stories, size of buildings and other structures, the percentage of lot that may be occupied, the distance of buildings from streets, alleys or other public ways, the distance between building, the density of population and the location and use of buildings, structures and land; to divide the mu-

nicipality into zones or districts; to regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or lands within such zones or districts, and the housing or residence therein of the different classes of inhabitants; to provide for the creation of a zoning commission, and the power, jurisdiction and authority thereof; to provide for a board of zoning adjustment and define the authority, powers and functions of such board of zoning adjustment, its procedure and an appeal from its decisions; and to provide remedies for the enforcement of ordinances, resolutions or regulations made by such municipalities under the authority of this Act.

Also:

By Mr. Jones of Conecuh:

S. 426. To establish an inferior court in and for Conecuh county, Alabama, to be known as the "Inferior Court of Conecuh County;" to define the jurisdiction and powers of said court and the judges and officers thereof; to provide for a place for holding said court and for the terms thereof; and to provide for the terms of office, salaries and compensation of the judge and officers of said court and the manner of their appointment and election, and to provide for the qualification of the judge of said court; and to provide for the costs and fees to be taxed and collected in said court.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama, Conecuh County.

Before me, R. A. Winston, a Notary Public in and for said county, in said State, personally appeared J. C. Whitcomb, who being by me first duly and regularly sworn, doth depose and say:

I am the editor and publisher of the Conecuh Record, a newspaper published in Conecuh county, Ala., and that the notice fully set forth below has been published once a week for four successive weeks in said the Conecuh Record, to-wit, in the issues of July 19th, July 26th, August 2nd and August 9th, 1923.

NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama, which bill will in substance provide for establishment of an inferior court in and for Conecuh county, Alabama, to be known as the "Inferior Court of Conecuh County." Said court shall have all the power and jurisdiction throughout said county now conferred upon justices of the peace in said county and shall have concurrent jurisdiction with the county court of all misdemeanors triable in said county and the judge of said court shall have powers and authority and perform the duties prescribed by law for justices of the peace and shall have the right and privileges and disabilities and penalties as now apply to justices of the peace. To provide that the judge of said court shall at the time of his election or appointment have been a resident of the county for at least one year, be at least 25 years of age and shall have been admitted to the practice of law in this State. Said judge shall receive a salary of not exceeding \$2,400 per annum and shall hold office for the term of six years. To pro-

vide that within thirty days after the approval of this Act the Governor shall appoint a judge of said court until the next general election. To provide that appeals may be taken from said court in like manner as they are now taken from justice courts or the county court to the circuit court of said county. To provide that said judge shall have like authority to punish for contempt of court as justices of the peace. To provide that a trial tax of \$3 be imposed in each civil case put on the docket of said court and that the same fees be taxed in criminal cases as are taxed in the county court. To provide that the sheriff and circuit clerk of Conecuh county shall be sheriff and ex-officio clerk of said court and perform all of the duties of sheriff and clerk in said court and for their services shall receive the same cost and fees as are now allowed them for like services in the circuit and county court. All process shall be issued by the clerk and executed by sheriff. All of said costs, fees, fines and forfeitures, except the fees and costs of the clerk and sheriff shall be paid into the county treasury and shall be kept in a separate fund to be known as the inferior court fund. To provide that the owner of any judgment rendered by said court may file a certificate of said judgment in the probate court of said county which judgment shall be a lien upon all of the property of the defendant for the term of ten years. To provide that the salary of said judge shall be paid upon the warrant of said judge drawn upon the county treasury and shall be payable only out of the inferior court funds in said treasury and shall not be a claim against any other funds. To provide that the judge of said court may be impeached and removed from office in like manner as justices of the peace. To provide that in the absence or disability of said judge the judge of probate of said county may appoint a judge of said court who shall be paid the sum of \$5 per day for his services as inferior court judge is now paid.

To provide that the county solicitor of Conecuh county shall attend said court and prosecute and that the same solicitor's fees as are now provided by law shall be taxed and paid into the inferior court fund in the county treasury. To provide that any deficit in the salary of the county solicitor now paid from funds provided by law in the county court for payment of said salary shall be paid out of the inferior court fund as the judges salary is paid, and that the warrants for the salary of the solicitor and judge shall be a lien upon any funds which are or may be hereafter placed in said inferior court fund. To provide that the commissioner's court of said county may transfer any surplus remaining in said inferior court fund at the end of each year to the general fund of said county. To repeal all laws in conflict herewith.

J. C. Whitcomb.

Sworn to and subscribed before me this Aug. 21, 1923.

R. A. Winston,
Notary Public.

By Mr. Oliver:

S. 313. To amend section 1952 of the Code of Alabama of 1907 as amended by an Act of the Legislature of Alabama, approved September 30th, 1919.

By Mr. Oliver:

S. 314. To amend section 1942 of the Code of Alabama of 1907, as amended by Acts of the Legislature of Alabama, approved March 13th, 1911 and September 30th, 1919.

By Mr. Oliver:

S. 315. To amend section 1941 of the Code of Alabama of 1907, as amended by an Act of the Legislature of Alabama, approved September 30th, 1919.

By Mr. Inzer (with notice and proof):

S. 424. To provide for the relief of Clifton E. Clement who was permanently disabled in the military service of the State of Alabama during emergency military duty in the mineral districts of the State of Alabama, 1920-21.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill in substance as follows will be introduced in the present session of the Alabama Legislature, to-wit:

AN ACT

To provide for the relief of Clifton E. Clement, who was permanently disabled in the military service of the State of Alabama during emergency military duty in the mineral districts of the State of Alabama, 1920-21.

Whereas, Clifton E. Clement, a citizen of the State of Alabama, was permanently disabled without fault on his part, in the military service of the State of Alabama during the emergency military duty in the mineral districts, 1920-21:

And whereas, there is no provision whereby he is entitled to compensation from the State;

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of the general treasury of the State of Alabama the sum of \$50.00 per month to said Clifton E. Clement.

Section 2. The monies appropriated by section 1 of this Act shall be paid monthly on warrants drawn by the State Auditor on the Treasurer of the State of Alabama, through the Military Department of the State, each for the amount of \$50.00, and payable to Clifton E. Clement; provided, that the provisions of sections 1 and 2 shall become inoperative when the said Clifton E. Clement has been rehabilitated under the provisions of the State Industrial Rehabilitation Law and reached maximum possible physical improvement.

Section 3. That this Act shall become effective on the date of approval by the Governor.

The State of Alabama, }
Etowah County. }

Before me, Lillian Mann, a Notary Public, in and for said county and State, personally appeared A. W. McCulloch, who being by me first duly sworn, deposes and says that he is publisher of the Gadsden Evening Journal, a newspaper published daily in Gadsden in said county; that the attached notice of proposed local law was published in the regular and entire issues of said newspaper, and not in any supplement thereof, for four consecutive weeks, beginning with the issue dated July 30, 1923, and ending with the issue dated Aug. 20, 1923, and that said notice was published without cost to the State of Alabama.

A. W. McCulloch.

Sworn to and subscribed before me this 25th day of Aug., 1923.

(Seal)

Lillian Mann,
Notary Public, Etowah County, Ala.

Also:

By Mr. Inzer (with notice and proof):

S. 423. To provide for the relief of Alto V. Jester, who was permanently disabled in the military service of the State of Alabama during emergency military duty in the mineral districts of the State of Alabama, 1920-21.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill in substance as follows will be introduced in the present session of the Alabama Legislature, to-wit:

AN ACT

To provide for the relief of Alto V. Jester, who was permanently disabled in the military service of the State of Alabama during emergency military duty in the mineral districts of the State of Alabama, 1920-21.

Whereas, Alto V. Jester, a citizen of the State of Alabama, was permanently disabled without fault on his part, in the military service of the State of Alabama during the emergency military duty in the mineral districts, 1920-21;

And whereas, there is no provision whereby he is entitled to compensation from the State;

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of the general treasury of the State of Alabama the sum of \$50.00 per month to said Alto V. Jester.

Section 2. The monies appropriated by section 1 of this Act shall be paid monthly on warrants drawn by the State Auditor on the Treasurer of the State of Alabama, through the Military Department of the State, each for the amount of \$50.00, and payable to Alto V. Jester; provided, that the provisions of sections 1 and 2 shall become inoperative when the said Alto V. Jester has been rehabilitated under the provisions of the State Industrial Rehabilitation Law and reached maximum possible physical improvement.

Section 3. That this Act shall become effective on the date of approval by the Governor.

The State of Alabama, }
Etowah County. }

Before me, Lillian Mann, a Notary Public in and for said county and State, personally appeared A. W. McCulloch, who being by me grst duly sworn, deposes and says that he is publisher of the Gadsden Evening Journal, a newspaper published daily in Gadsden, in said county; that the attached notice of proposed local law was published in the regular and entire issue of said newspaper and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated July 30, 1923 and ending with the issue dated Aug. 20, 1923, and that said notice was published without cost to the State of Alabama.

A. W. McCulloch.

Sworn to and subscribed before me this 25th day of Aug., 1923.

(Seal)

Lillian Mann,
Notary Public, Etowah County, Ala.

Also:

By Mr. Oliver:

S. 316. To amend section 1946 of the Code of Alabama of 1907, as amended by an Act of the Legislature of Alabama, approved September 30th, 1919.

By Mr. Oliver:

S. 395. To make an appropriation to the Alabama School for Negro Deaf and Blind, for the purpose of constructing, repairing and equipping buildings at said school.

By Mr. Foster:

S. 25. To provide for the completion of the topographical survey and map of the State of Alabama.

By Mr. Craft:

S. 432. To amend section 1 of an Act entitled An Act to provide for the appointment of deputy registers and deputy clerks for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputies—approved October 1, 1920.

By Mr. Craft (with notice and proof):

S. 414. To amend section 1 of "An Act to provide for the more efficient working of the public roads in Mobile county, and certain streets and public thoroughfares in the city of Mobile; provide for the control, working, building, maintenance and improvement of the same by the board of revenue and road commissioners of Mobile county; to prescribe the duties and fix the authority of said board; to provide for the levy and collection of a road tax, and the method of disbursing moneys necessary to carry out the provisions of this Act and provide penalties for violations of its provision," which Act was approved August 2nd, 1907, which said proposed Act is as follows: An Act to amend section 1 of "An Act to provide for the more efficient working of the public roads in Mobile county, and certain streets and public thoroughfares in the city of Mobile; provide for the control, working, building, maintenance and improvement of the same by the board of revenue and road commissioners of Mobile county; to prescribe the duties and fix the authority of said board; to provide for the levy and collection of a road tax; and the method of disbursing moneys necessary to carry out the provisions of this Act, and provide penalties for violation of its provisions," as approved August 2nd, 1907, and found reported in Acts of Legislature 1907, page 727.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that at the present adjourned session of 1923 of the Legislature of Alabama, there will be introduced a bill in substance as follows:

A BILL

Entitled An Act to amend section 1 of "An Act to provide for the more efficient working of the public roads in Mobile county, and certain streets and public thoroughfares in the city of Mobile; provide for the control, working, building, maintenance and improvement of the same by the board of revenue and road commissioners of Mobile county; to prescribe the duties and fix the authority of said board; to provide for the levy and collection of a road tax, and the method of disbursing moneys necessary to carry out the provisions of this Act and provide penalties for violations of its provision," which Act was approved August 2, 1907, which said proposed Act is as follows: An Act to amend section 1 of "An Act to provide for the more efficient working of the public roads in Mobile county, and certain streets and public thoroughfares in the city of Mobile; provide for the control, working, building, maintenance and improvement of the same by the board of revenue and road commissioners of Mobile county; to prescribe the duties and fix the authority of said board; to provide for the levy and collection of a road tax; and the method of disbursing moneys necessary to carry out the provisions of this Act, and provide penalties for violation of its provisions," as approved August 2, 1907, and found reported in Acts of Legislature 1907, page 727.

Be it enacted by the Legislature of Alabama: That section 1 of an Act entitled "An Act to provide for the more efficient working of the public roads in Mobile county, and certain streets and public thoroughfares in the city of Mobile; provide for the control, working, building, maintenance and improvement of the same by the board of revenue and road commissioners of Mobile county; to prescribe the duties and fix the authority of said board; provide for the levy and collection of a road tax, and the method of disbursing moneys necessary to carry out the provisions of this Act, and provide penalties for violations of its provisions," which said Act was approved August 2, 1907, be and the same is hereby amended so as to read as follows: Be it enacted by the Legislature of Alabama, That the entire control, management and supervision of public roads in the county of Mobile are hereby lodged and vested in the board of revenue and road commissioners of Mobile county, and said board shall have full and complete authority to provide for the repair, maintenance and improvement of the same, and to that end may, in addition to the fund realized from the road tax herein provided for, set apart and appropriate such amount from the general fund collected under authority of the law as said board may deem necessary to carry out the provisions of this Act.

State of Alabama, }
 Mobile County. }

Before me, Jamie McDavid, a Notary Public, in and for said State and county, personally appeared A. M. Wing, who being by me first duly sworn, stated that he is auditor of the Mobile Register, Inc., publisher of the Mobile Register, a newspaper published in said county, and that the foregoing notice or advertisement hereto attached, and made a part hereof, was inserted and published, without cost to the State in said Mobile Register once a week for four consecutive weeks prior to the date hereof, said notice being published in full in the issues of said paper of the dates of June 9, 16, 23 and 30, 1923.

A. M. Wing, Auditor.

Subscribed and sworn to before me, this the 20th day of July, 1923.

(Seal)

Jamie McDavid,
 Notary Public, Mobile County, Alabama.

By Mr. Foster:

S. 378. To determine the number of children retarded in mental development in the several counties and cities of the State and to provide for their instruction.

By Mr. Hutson:

S. 294. To establish kindergartens in cities and school districts in Alabama, and to provide for their maintenance.

By Mr. Craft:

S. 412. To authorize municipal corporations having a population of 60,000 or more inhabitants according to the last or any subsequent Federal census, to improve streets and sidewalks and sections of streets and sidewalks by the construction of electric lighting systems known as "white ways," and to charge the cost to the property owners abutting on and to which the system known as "white way" lighting serves in the ornamental decorating and lighting of the street upon which the property butts; provided such lighting system shall not include overhead street lighting; and to provide that such municipal corporations shall maintain such lighting systems after they have been established, and shall pay for the cost of the current and the expense of such maintenance.

By Mr. Horton:

S. 380. For the prevention of the pollution of the waters in the State of Alabama in such manner and to such extent as shall injure or destroy the lives of fish which may inhabit such waters.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Municipal Organization, S. 241, S. 242, S. 381, S. 412.

Judiciary, S. 156, S. 425, S. 25, S. 432.

Penitentiary and Criminal Administration, S. 373.

Education, S. 312, S. 314, S. 378, S. 294.

Local Legislation, S. 426, S. 414.

Ways, Means and Appropriations, S. 313, S. 315, S. 424, S. 423, S. 316, S. 395.

Game, Fish and Forestry Preservation, S. 380.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Culver:

H. R. 189. Whereas, the House of Representatives is being impeded in effective work by noise in the lobbies and corridors,

And whereas, it is essential to the needs of the State that the

House use every moment remaining of legislative days in the interest of matters of State,

Therefore, be it hereby resolved by the House, That the lobbies, corridors, and House be used entirely by the members of the Legislature, for the transaction of business only, and that the doorkeepers be and they are hereby instructed to allow none present except those having the privilege of the House, and they be and are hereby instructed to see that noises in the lobbies and corridors are eliminated.

And the rules were suspended and the resolution was adopted.

By Mr. Sollic:

H. R. 190. Be it resolved by the House of Representatives of Alabama:

That, whereas, our calendar is unduly large, and the session nears its expiration by law, and we have too little time remaining well to do the work before us, if left alone and not further interfered with by lobbyists; and

Whereas, in recent days lobbying activities have become so intense they interfere with sane and efficient deliberation and work by members, and,

Whereas, officers who accepted election or appointment on a platform pledging cutting salaries to the bone are even more active and persistent than others lobbying for salary raises;

Now, therefore, the House hereby warns lobbyists that it holds their activities in lobbying members, especially inside the House, to be both a wrong and an offense against the discipline and order of the House; by this means we warn them that unless they desist and cease to ply their lobbying in this House they will be evicted and denied the privileges of the floor pending the residue of this session.

And the rules were suspended and the resolution adopted.

By Mr. Walton:

H. R. 191. Resolved, That H. 867, relating to a severance tax, be made a special and paramount order for the forty-third legislative day immediately after the report of the standing committees, and this order shall have precedence over all other special orders set for the forty-third legislative day.

And the resolution was referred to the Committee on Rules.

By Mr. L. K. Bowen:

H. R. 192. Resolved, That H. 369 be made a special, paramount and continuing order for the 44th legislative day immediately after reports of standing committees.

H. 369. To establish and maintain free employment offices and service for persons seeking employment and for employers seeking workers; to create the office of Director State Free Employment Service and provide for his appointment; to define his duties and authority; to fix his compensation; to authorize

him to maintain offices and employ assistants; to provide for the expenses of the department; to appropriate money for the maintenance and expenses of the department and carrying on the duties thereof.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Patterson:

H. J. R. 193. Be it resolved by the House of Representatives, the Senate concurring, That His Excellency the Governor be requested to return to the House of Representatives Senate bill number 296 and that the Speaker of the House and President of the Senate be requested to erase their signatures from said bill.

And the rules were suspended and the resolution adopted.

By Mr. Ashcraft of Lauderdale:

H. J. R. 194. Be it resolved by the House, the Senate concurring, That when the two houses adjourn today, they adjourn to meet Wednesday, September 12th, 1923, at 10 o'clock.

And the resolution was referred to the Standing Committee on Rules.

By Mrs. Wilkins:

H. R. 195. Resolved, That following bills be made special order for 43rd day:

H. 601.

H. 566.

H. 567.

H. 563.

H. 778.

H. 481.

H. 806.

H. 753.

H. 748.

H. 613.

S. 231.

S. 190.

H. 782.

And the resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent forthwith to the House without engrossment:

By Mr. Craft (with notice and proof):

S. 444. A bill to be entitled An Act to submit to the qualified electors of Alabama an amendment of the Constitution of Alabama authorizing Mobile county to increase its indebtedness for

the purpose of constructing concrete or better than concrete surfaced public roads, and concrete or better than concrete bridges in said county, and a way for vehicular traffic between Mobile and Baldwin counties; to issue bonds therefor, and to levy and collect taxes on property in Mobile county to pay for the same, in addition to the indebtedness, bonds and taxes now authorized by the Constitution.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed by the Legislature for the consideration of the qualified electors of Alabama, viz.:

Proposed amendment:

No. 290. Mobile county may become indebted and may issue bonds for the construction or improvement of concrete or better than concrete surfaced public roads, and concrete or better than concrete public bridges in said county, and for the construction of bridges and roadway necessary to provide a public road for vehicular travel between the highlands of Mobile and Baldwin counties, in an amount not to exceed six and one-half per centum of the assessed value of the property situated in Mobile county. To pay said indebtedness and the interest thereon, Mobile county may levy and collect an annual tax on said property not to exceed one-half of one per centum of said value. The indebtedness, the bonds and the tax authorized hereby shall be in addition to those authorized by the Constitution of Alabama prior to the adoption of this amendment. But no such additional indebtedness shall be created, and no such additional bonds shall be issued, and no such additional tax shall be levied, until each improvement or construction proposed to be built thereby, its approximate location, estimated cost and time of completion, and the amount of the proposed increase, shall have been determined upon and made public by the board of revenue and road commissioners of Mobile county, and the proposed increase of indebtedness or issue of bonds or tax therefor shall have been first authorized by a majority vote by ballot of the qualified voters of Mobile county voting upon such proposition.

Section 2. It is ordered by the Legislature that an election by the qualified electors of this State upon the aforesaid proposed amendment be held at the general election next succeeding this session of the Legislature.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama, }
Mobile County. }

Before me, Clara M. Stokes, the undersigned Notary Public in and for said State and county, personally appeared Wm. M. Fincher, who being by me first duly sworn, did say upon his oath that:

I am secretary-treasurer of the Mobile Register, a newspaper published in said county; the following printed notice of the intention to apply for the enactment of the law, as stated in the notice, was published, without cost to the State, in Mobile county, Alabama, once a week for four consecutive weeks in the Mobile Register, appearing in the issues of said newspaper regularly published and circulated on June 9, June 16, June 23 and June 30, 1923, from one of which issues the following publication was clipped:

NOTICE.

Notice is hereby given of the intention to apply to the present Legislature of Alabama, which is to reconvene on July 10, 1923, for the passage of

A BILL

To be entitled An Act to submit to the qualified electors of Alabama an amendment of the Constitution of Alabama authorizing Mobile county to increase its indebtedness for the purpose of constructing concrete or better than concrete surfaced public roads, and concrete or better than concrete bridges in said county, and a way for vehicular traffic between Mobile and Baldwin counties, to issue bonds therefor, and to levy and collect taxes on property in Mobile county to pay for the same in addition to the indebtedness, bonds and taxes now authorized by the Constitution.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed by the Legislature for the consideration of the qualified electors of Alabama, viz:

PROPOSED AMENDMENT.

Section 290. Mobile county may become indebted and may issue bonds for the construction or improvement of concrete or better than concrete surfaced public roads, and concrete or better than concrete public bridges in said county, and for the construction of bridges and roadway necessary to provide a public road for vehicular travel between the highlands of Mobile and Baldwin counties, in an amount not to exceed six and one-half per centum of the assessed value of the property situated in Mobile county. To pay said indebtedness and the interest thereon, Mobile county may levy and collect an annual tax on said property not to exceed one-half of one per centum of said value. The indebtedness, the bonds and the tax authorized hereby shall be in addition to those authorized by the Constitution of Alabama prior to the adoption of this amendment. But no such additional indebtedness shall be created, and no such additional bonds shall be issued, and no such additional tax shall be levied until each improvement or construction proposed to be built thereby, its approximate location, estimated cost and time of completion, and the amount of the proposed increase, shall have been determined upon and made public by the board of revenue and road commissioners of Mobile county, and the proposed increase of indebtedness or issue of bonds or tax therefor shall have been first authorized by a majority vote by ballot of the qualified voters of Mobile county voting upon such proposition.

Section 2. It is ordered by the Legislature that an election by the qualified electors of this State upon the aforesaid proposed amendment be held at the general election next succeeding this session of the Legislature.

In witness whereof, said Wm. M. Fincher has hereto subscribed his name.

Wm. M. Fincher.

and made his oath thereto in my presence at Mobile, Alabama, this 24th day of July, 1923.

Witness my hand and notarial seal at said place and date.

(Seal)

Clara M. Stokes,
Notary Public, Mobile County, Ala.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, S. 444, set out in the above and foregoing message from the Senate, was read one time at length and referred to the Standing Committee on Revision of Laws.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate standing committees as follows:
By Mr. Thompson of Etowah:

H. 971. To prohibit stock from running at large in subdivisions of a voting precinct, or beat or in subdivision of a county less than a voting precinct or beat in all counties having a population of as much as forty-seven thousand, according to the Federal census of 1920, or according to any subsequent Federal census, and to fix penalties for the violation of this Act.

Local Legislation.

By Mr. Thompson of Etowah:

H. 972. To protect trade and commerce against unlawful restraints, combinations, conspiracies and monopolies, and to provide for the punishment of violations of the provisions of this Act, to confer a cause of action for damages in favor of persons injured by violations hereof; to regulate procedure and evidence in suits and proceedings under this Act; to provide for the sale or other disposition of property or industrial plants and equipment kept idle in violation hereof; to provide for appointment of receivers in aid of the enforcement of this Act; and provide for the enforcement thereof; in proceedings on behalf of the State instituted by the State Attorney General or by any district attorney acting under the direction of the Governor or of the Attorney General of the State of Alabama.

Labor organizations, agricultural, horticultural and live stock raising organizations not within provision of this Act; that the labor of a human being is not a commodity or article of commerce, nothing contained in this Act shall be construed to forbid the existence of operation of labor, agricultural, horticultural or live stock raising organizations instituted for the purpose of mutual help, encouraging and promoting necessary production from the soil of necessary food and clothing material or to forbid or restrain individual members of such organizations from law-

fully carrying out the legitimate objects thereof; to be illegal combinations or conspiracies in restraint of competition trade and commerce under this Act:

A trust and combine is a combination understanding contract, or agreement expressed or implied between two or more persons, firms, corporations or associations of persons or between one or more of either with one or more of the others.

(a) In restraint of trade. (b) In restraint of competition in trade and commerce. (c) To limit, increase or reduce the price of a commodity. (d) To limit, increase or reduce the production or output of a commodity. (e) To engross or forestall a commodity. (f) To issue, own or hold the certificate of stock of any trust or combine. (g) To place the control, to any extent of business or the products and earnings thereof in the power or control of trustee or by whatever name called. (h) By which any persons than themselves, their proper officers, agents, and employees shall, or shall have the power to, dictate or control the management of business; or (i) To unite or pool interest in the importation, manufacture, production, transportation or price of a commodity; and is inimical to the public welfare, unlawful and criminal conspiracy; or (j) Who shall restrain or attempt to restrain the freedom of competition, trade and commerce or production; or (k) Who shall monopolize or attempt to monopolize the production, control or sale of any commodity, or the prosecution, management or control of any kind, class or description of business; or (l) Who shall engross or forestall or attempt to engross or forestall any commodity; or (m) who shall destroy or attempt to destroy competition in the manufacture or sale of a commodity, by selling or offering the same for sale at a lower price at one place in this State than another, difference in the cost of transportation and other necessary expenses of sale and delivery considered; or by selling or offering for sale at a price below the cost of production; or (n) Who shall destroy or attempt to destroy competition by rendering any service or manipulating, handling or storing any commodity for a less price in one locality than in another locality, the difference in the necessary expenses of carrying on the business considered.

Certain contracts made by any corporation, individual, partnership, or associations whether domestic or foreign prohibited.

Any corporation organized under the laws of this State or any other state, or country, and transacting or conducting any kind of business in this State, or any partnership or individual or associations of persons, who are now or shall hereafter create, enter into, or become a member of, or party to, any pool, trust, combine, agreement, combinations, confederation or understanding, whether the same is made in this State or elsewhere with any other corporation, partnership, individual, or any other per-

son or association of persons to regulate or fix in this State the price of any article of manufacture, mechanism, merchandise, commodity, convenience, repair, any product of mining or any article or thing whatsoever, or the price or premium to be paid for insuring property against loss or damage for fire, lightning, tornado, storm, or theft, or to maintain said prices or any terms and credit agreements when so regulated or fixed, or who are now or shall hereafter enter into, become a member of or party to, any pool, agreement, contract, combination, whether made in this State or elsewhere, to fix or limit in this State the amount or quantity of any article of manufacture, mechanism, merchandise, commodity, convenience, ~~repair, any product for mining,~~ or any article or thing whatsoever, or the price or premium to be paid for insuring property against loss or damage by fire, lightning, tornado, storm, cyclone, theft or any other kind of insurance policy issued by any corporation, partnership, individual or association of persons aforesaid, shall be deemed and adjudged guilty of a conspiracy to defraud and subject to the penalties as provided in this Act.

Judiciary.

By Mr. Thompson of Etowah (with notice and proof):

H. 973. To provide for the election of a county superintendent of education for Etowah county, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the term and compensation of such officer.

Local Legislation.

Notice and proof, H. 973:

ELECTIVE SUPERINTENDENT BILL.

Notice is hereby given that there will be a bill introduced in the Legislature of Alabama to elect county superintendent of education in Etowah county, Alabama.

A bill to be entitled An Act to provide for the nomination and election of a county superintendent of education for Etowah county, Alabama. To provide qualifications for said superintendent of education. To prescribe duties, fix salary and term of office. To provide for appointment when a vacancy occurs.

C. O. Thompson,
Representative Etowah County.

PROOF OF PUBLICATION.

State of Alabama, }
Etowah County. }

Personally appeared before me, Ruth Heath, a Notary Public in and for said county, A. W. McCulloch, publisher of the Gadsden Evening Journal, a newspaper published at Gadsden in said county, who, being first duly sworn, states that the annexed publication has been regularly made in said newspaper once a week for four consecutive weeks, Aug. 13, 20 and 27th and Sept. 3, 1923.

A. W. McCulloch.
Sworn to and subscribed before me this fourth day of September, 1923.
Ruth Heath,
Notary Public.

By Mr. Glover (with notice and proof):

H. 974. To provide for the working of all male inhabitants of Henry county, Alabama, between the ages of eighteen and forty-five years, on the public roads of said county; to provide for the levy and collection of a per capita road tax upon such persons in lieu of such road services; to be used for the maintenance, upkeep, building and repair of such public roads; to prescribe the manner and means of raising or collecting such tax; to provide for and regulate the working, building, maintenance and upkeep of the public roads of said county; and to provide and fix penalties for the violation of the provisions of this Act.

Local Legislation.

Notice and proof, H. 974:

The State of Alabama, {
Henry County. }

Before me, the undersigned authority, in and for said county, in said State, personally appeared Tup Lucas, known to me, and who being first duly sworn, deposes and says as follows:

I, Tup Lucas, hereby certify that I am editor and publisher of the Wiregrass Farmer, a newspaper published weekly in the town of Headland, Henry county, Alabama; and that the following is an exact copy of the notice as published in said paper for four consecutive weeks, commencing on the 12th day of July, 1923, and ending on the 2nd day of August, 1923:

NOTICE OF PROPOSED LEGISLATION.

Notice is hereby given of the intention to apply for the passage by the Legislature of Alabama, at its session to convene July 10th, 1923, of a local Act for Henry county, Alabama, in substance as follows:

A BILL

To be entitled An Act to provide for the working of all male inhabitants of Henry county, Alabama, between the ages of 18 and 45 years of age, on the public roads of said county; to provide for the levy and collection of a per capita road tax upon such persons in lieu of such road service, to be used for the maintenance, upkeep, building and repair of such public roads; to prescribe the manner and means of raising or collecting such tax; to provide for and regulate the working, building, maintenance and upkeep of the public roads of said county; and to provide and fix penalties for the violation of the provisions of this Act.

E. C. Glover.

Tup Lucas.

Sworn to and subscribed before me this August 7th, 1923.

B. P. Riley.

(Seal)

Notary Public, Henry County, Alabama.

By Mr. LeMaistre:

H. 975. To provide for the protection of the flora, trees and shrubs along the public highways of Alabama; to provide for the planting of trees along State highways, and to provide penalties for injuring, destroying or removing trees, shrubs or flowers from the right-of-way along public highways, etc.

Public Roads and Highways.

By Mr. Howze:

H. 976. To make it the mandatory duty of the court of county commissioners or board of revenue of counties having a population of more than two hundred thousand, according to the last or any subsequent Federal census, to pay or cause to be paid to each municipality in such county any sum or sums due it under an Act of the Legislature approved August 26th, 1909, entitled: "An Act to require courts of county commissioners and boards of revenue in the counties where there is levied a road tax, general or special, or where, by the tax levy a portion of the tax levied for or devoted to the purpose of constructing, repairing or maintaining roads or highways of any description of the county, to pay over each year to each municipality therein, one-half of the money collected on such road tax on the property located in such municipality, and to provide for the disposition of such money."

Revision of Laws.

By Mr. Fite:

H. 977. To regulate the disposition and distribution of witness fees collected by the clerk of courts of record and which fees have not been paid out to the parties thereto within eight years after collection by the clerk.

Judiciary.

By Mr. Coleman (with notice and proof):

H. 978. To alter, change, or re-arrange the boundary line or line between Marshall and DeKalb counties so as to take from DeKalb county and add to Marshall county the territory lying west of a direct line drawn from a point where Town Creek crosses the line between said counties to a point where the eighty-sixth meridian line crosses the northern boundary line of Etowah county. To add the territory taken from DeKalb county by this Act to the territory embraced within the jurisdiction of the Albertville branch of the circuit court of Marshall county, making all laws respecting said court applicable therein, but excepting causes pending in the courts of DeKalb at the time this Act becomes effective. To provide that this Act shall become effective on the first day of October, 1923.

Local Legislation.

Notice and proof, H. 978:

NOTICE TO ALL PERSONS OF INTENTION TO APPLY TO LEGISLATURE FOR PASSAGE OF LOCAL LAW.

Notice is hereby given of the intention of the undersigned to apply to the Legislature of Alabama, at the present session thereof, for the passage of the above local law relative to the change or alteration of the line between Marshall and DeKalb counties. Said local law is herein set out as a part of this notice, as follows:

A BILL

To be entitled An Act to alter, change, or re-arrange the boundary line or line between Marshall and DeKalb counties so as to take from DeKalb county and add to Marshall county the territory lying west of a direct line drawn from a point where Town Creek crosses the line between said counties to a point where the 86th meridian line crosses the northern boundary line of Etowah county. To add the territory taken from DeKalb county by this Act to the territory embraced within the jurisdiction of the Albertville branch of the circuit county of Marshall county, making all laws respecting said court applicable therein, but excepting causes pending in the courts of DeKalb county at the time this Act becomes effective. To provide that this Act shall become effective on the first day of October, 1923.

Be it enacted by the Legislature of Alabama:

Section 1. That the boundary line between Marshall and DeKalb counties be altered, changed, or re-arranged so that effective October 1st, 1923, that territory lying west of a direct line drawn from a point where Town Creek crosses the line between said counties to a point where the eighty-sixth meridian line crosses the northern boundary line of Etowah county, shall be taken away from DeKalb county and added to and become a part of Marshall county, and that said line so drawn between said points shall constitute the line between the said counties of Marshall and DeKalb insofar as the same relates to the territory cut off from DeKalb county.

Section 2. That the territory added by this Act to Marshall county shall become a part of the jurisdiction of the Albertville branch of the circuit court of Marshall county, and all laws relative to said court's operation, jurisdiction, causes of action, jury service, or other matter or thing connected in any manner with the operation of said court or the bringing of suits or the trial of causes therein which apply to territory, property, persons, corporations, causes, or other matters or things within territory already within its jurisdiction shall be applicable to and operative within the territory herein added to Marshall county. Nothing in this Act contained, however, shall affect the jurisdiction of any other court over causes pending therein in DeKalb county at the time this Act takes effect.

Section 3. The commissioners court of Marshall county is hereby required, within six months from the passage and approval of this Act, to cause said line to be surveyed and permanently established.

W. M. Coleman.

PUBLISHER'S AFFIDAVIT.

State of Alabama, }
Marshall County. }

Before me, H. J. Miller, Clerk of the Circuit Court for said county, in State aforesaid, personally appeared J. P. Whitman, who, being duly sworn, doth depose and say that he is the publisher of the Sand Mountain Banner, a weekly newspaper published in the town of Albertville, State and county aforesaid, and that a certain advertisement (a true copy of which is hereto attached), has been published in said newspaper for four consecutive weeks prior to the seventh day of August, 1923, and the respective numbers and dates of said newspaper, in which said publication was made, are as follows, to-wit: No. 1, the 16th day of August, 1923; No. 2, the 23rd day of August, 1923; No. 3, the 30th day of August, 1923; No. 4, the 6th day of September, 1923, and there was no agreement between publisher and officer, and that the actual and lowest cost of said advertisement is \$22.50, due and unpaid.

Jas. P. Whitman, Publisher.

Sworn to and subscribed before me, this 7th day of September, 1923.

H. J. Miller,

Clerk of the Circuit Court for Marshall County, Alabama.

NOTICE TO ALL PERSONS OF INTENTION TO APPLY TO LEGISLATURE FOR PASSAGE OF LOCAL LAW.

Notice is hereby given of the intention of the undersigned to apply to the Legislature of Alabama, at the present session thereof, for the passage of the above local law relative to the change or alteration of the line between Marshall and DeKalb counties. Said local law is herein set out as a part of this notice, as follows:

An Act to alter, change, or re-arrange the boundary line or line between Marshall and DeKalb counties so as to take from DeKalb county and add to Marshall county the territory lying west of a direct line drawn from a point where Town Creek crosses the line between said counties to a point where the ~~86th~~ ^{86th} meridian line crosses the northern boundary line of Etowah county. To add the territory taken from DeKalb county by this Act to the territory embraced within the jurisdiction of the Albertville branch of the circuit court of Marshall county, making all laws respecting said court applicable therein, but excepting causes pending in the courts of DeKalb county at the time this Act becomes effective. To provide that this Act shall become effective on the first day of October, 1923.

Be it enacted by the Legislature of Alabama.

Section 1. That the boundary line between Marshall and DeKalb counties be altered, changed or re-arranged so that effective October 1st, 1923, that territory lying west of a direct line drawn from a point where Town Creek crosses the line between said counties to a point where the eighty-sixth meridian line crosses the northern boundary line of Etowah county, shall be taken away from DeKalb county and added to and become a part of Marshall county, and that said line so drawn between said points shall constitute the line between the said counties of Marshall and DeKalb in so far as the same relates to the territory cut off from DeKalb county.

Section 2. That the territory added by this Act to Marshall county, shall become a part of the jurisdiction of the Albertville branch of the circuit court of Marshall county, and all laws relative to said court's operation, jurisdiction, causes of action, jury service, or other matter or thing connected in any manner with the operation of said court or the bringing of suits or the trial of causes therein which apply to territory, property, persons, corporations, causes or other matters or things within territory already within its jurisdiction shall be applicable to and operative within the territory herein added to Marshall county. Nothing in this Act contained, however, shall affect the jurisdiction of any other court over causes pending therein in DeKalb county at the time this Act takes effect.

Section 3. This Act shall take effect on the 1st day of October, 1923.

Section 4. That within six months from the passage of this Act the line hereinabove provided for shall be surveyed at the expense of Marshall county, Alabama.

W. M. Coleman.

The State of Alabama, }
DeKalb County. }

Before me, the undersigned authority, personally appeared Jerald W. Farr, who is known to me, who being first duly sworn, deposes and says:

1st. My name is Jerald W. Farr. I reside at Fort Payne, DeKalb county, Alabama.

2nd. I am editor of the DeKalb County Herald, a newspaper published weekly in the city of Fort Payne, DeKalb county, Alabama.

3rd. The local bill relative to the change of the boundary line between Marshall and DeKalb counties, has appeared for the last four issues of my said paper, without cost to the State of Alabama, the said issues being that

of Aug. 17th, Aug. 24th, Aug. 31, and Sept. 7th, 1923. A copy of the said notice is attached hereto and made a part hereof.

Jerald W. Farr,
Editor DeKalb County Herald.

Subscribed and sworn to before me, this Sept. 7th, 1923.

J. Valdor Curtis,
Notary Public.

By Mr. Holcombe:

H. 979. To provide for the employment of a jailer in each county of this State at a salary of not less than fifty dollars per month; where the sheriff is not on a salary basis as provided in an amendment to the Constitution of Alabama; to prescribe his duties and to fix his compensation and to provide for the payment of such compensation out of the general fund of such county.

Revision of Laws.

RESOLUTION.

By Mr. Luck:

H. 980. Proposing an amendment to section 256 of the Constitution of Alabama, so as to authorize the Legislature to provide for apportioning the public school fund.

Be it resolved by the Legislature of Alabama:

That there shall be submitted to the qualified voters of Alabama at the next general election, to be held in 1924, as provided by law, after notice given as provided by law, the following amendment to section 256 of the Constitution of Alabama:

Section 256. The Legislature shall establish, organize and maintain a liberal system of public schools throughout the State for the benefit of the children thereof between the ages of six and twenty-one years, and shall provide for the apportionment of the public schools fund to the several public schools in the State so as to provide, as nearly as practicable, school terms of equal duration and benefit from the public funds in such schools. Separate schools shall be provided for white and colored, and no child of either race shall be permitted to attend the school of the other race.

The above bill proposing an amendment to the Constitution was read one time at length and referred to the Standing Committee on Judiciary.

By Mr. Embry:

H. 981. To require the tax collectors of the counties of this State to make periodical reports of their collections to the State Department of Education.

Education.

By Mr. Embry:

H. 982. To amend section 3510 of the Code of 1907 as amended by an Act entitled An Act to amend section 3510 of the Code of Alabama, approved February 9, 1915.

Corporations.

By Mr. Embry:

H. 983. To require county treasurers, county depositories and county treasurers of public school funds to make monthly reports to the Department of Examiners of Accounts of all moneys paid to such officers by county and State officers.

Education.

By Mr. Embry:

H. 984. To prescribe further the manner of closing the fiscal records of the State.

Judiciary.

By Mr. Embry:

H. 985. To require all mutual insurance companies, reciprocal exchanges and inter-insurers to pay a license tax for the privilege of doing business in Alabama, and a premium tax on premiums collected in this State.

Ways, Means and Appropriations.

By Mr. Sanders of Conecuh (with notice and proof):

H. 986. To require the county board of education of Conecuh county, Alabama, to publish the minutes of its proceedings at each regular, special and adjourned or called meeting in the newspaper printed and published in said county having the largest number of bona fide subscribers; to require such board to designate such newspaper; to provide for furnishing copy to the publisher of such newspaper for publication; and to provide compensation out of the county treasury of said county for furnishing such copy and for publishing same.

Local Legislation.

Notice and proof, H. 986:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama which convenes in July 1923, for the enactment of a law in substance as follows: To require the county board of education of Conecuh county, Alabama, to publish the minutes of its proceedings at each regular, special and adjourned or called meeting in the newspaper printed and published in said county having the largest number of bona fide subscribers; to require such board to designate such newspaper; to provide for furnishing copy to the publisher of such newspaper for publication; and to provide compensation out of the treasury of said county for furnishing such copy and for publishing same.

The State of Alabama, Conecuh County.

Before me, F. J. Dean, a Notary Public in and for said county in said State, personally appeared G. W. Salter, who being by me first duly and legally sworn, deposes and says that he is the publisher and printer of the

Evergreen Courant, a newspaper published in said county at Evergreen, Alabama, that said newspaper is published weekly and that the publication of a certain notice, a true copy of which is hereto attached, has been published in said newspaper for four weeks consecutively, to-wit, in the issues thereof dated as follows: June 20, 1923, June 27, 1923, July 4, 1923 and July 11, 1923.

Subscribed and sworn to before me this the 22nd day of Aug., 1923.
 Geo. W. Salter.
 F. J. Dean,
 Notary Public.

By Mr. Sanders of Conecuh (with notice and proof):

H. 987. To create the office of county treasurer for Conecuh county, prescribe his duties, fix his compensation and how the same shall be paid, and to provide for his election to said office by the qualified voters of said county.

Local Legislation.

Notice and proof, H. 987:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama at the present session thereof for the enactment of a law in substance as follows: To create the office of county treasurer for Conecuh county, prescribe his duties, fix his compensation and how the same shall be paid and provide for his election to said office by the qualified voters of said county.

The State of Alabama, Conecuh County.

Before me, F. J. Dean, a Notary Public in and for the county and State aforesaid, personally appeared G. W. Salter who, being by me first duly and legally sworn to speak the truth, deposes and says that he is the publisher and printer of the Evergreen Courant, a newspaper published weekly in the town of Evergreen in Conecuh county, Alabama, and that the publication of a certain notice, a true copy of which is hereto attached, has been made in said newspaper for four weeks consecutively, to-wit, in the issues thereof dated as follows: August 1, 1923, August 8, 1923, August 15, 1923 and August 22, 1923.

Subscribed and sworn to before me this the 22nd day of Aug., 1923.
 Geo. W. Salter.
 F. J. Dean,
 Notary Public.

By Mr. Arrington:

H. 988. To make it a misdemeanor for any person to make, buy, sell, or give away any duplicate key to any lock belonging to or in use by any railroad company in this State on its switches or switch-tracks, except on the written order of that officer of said railroad company whose duty it is to distribute and issue switch-lock keys to the employees of such railroad company.

Commerce and Common Carriers.

By Mr. Grove (by request):

H. 989. To provide for the protection of certain edible game fish; to provide penalties for violation of the provisions of this Act.

Game, Fish and Forestry Preservation.

By Mr. Fite:

H. 990. To regulate the business of money brokers and the lending of money on the security of bills of sale or mortgages of personal property, or on personal security, where the amount loaned does not exceed seventy-five dollars, in counties of this State having a population of two hundred thousand or more, according to the last or any subsequent Federal census.

Local Legislation.

By Mr. Howze:

H. 991. To authorize the board of managers of the State training schools for girls, with approval of the Governor, to borrow money for purposes of buying lands adjoining the site of said school near Birmingham, and erecting buildings thereon and to execute a mortgage or deed of trust upon the property of said school known as the "Montsayuma Place," to secure the payment of the same.

Judiciary.

By Mr. Gaines (with notice and proof):

H. 992. To establish an inferior court in precinct 3 in Houston county, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct to be known as court of common pleas of Dothan, Alabama; to prescribe the qualifications and the term of office of the judge of said court, his compensation and the method of payment thereof; to provide for the appointment of the first judge of said court, the election of his successor at the general election held in the State in 1924 and thereafter every fourth year; to provide for the filling of any vacancy in the office of judge; to provide for the appointment of a temporary judge and his compensation in the event of the temporary absence or disqualification or disability of the regular judge; to prescribe the powers, jurisdiction and duties of said court and the judge thereof and the pains and penalties of the judge of said court; to prescribe the procedure of said court and the manner of taking appeals therefrom, to provide for the execution of the process of said court; to require all court costs, fines, forfeitures and penalties to be paid in lawful money and when collected paid to the depository of the county and to be kept in a separate fund to be known as "The Inferior Court Fund;" to provide for the payment of the salary of the judge of the inferior court, for the necessary stationery of said court out of the inferior court fund; to provide that on the first day of January of each year after all previous claims against said fund have been paid that the excess remaining in the inferior court fund be transferred and paid into the fine and forfeiture fund of the county; to abolish the office of justice of the peace and notary public with powers of a justice of the peace in said precinct; to provide for the transfer of all cases pending in

the courts of the justice of the peace and notary public with powers of justice of the peace in said precinct to the inferior court of said precinct and for the enforcement of all judgments uncollected in said courts.

Local Legislation.

Notice and proof, H. 992:

NOTICE OF PROPOSED LEGISLATION.

Notice is hereby given of the intention to apply to the Legislature of Alabama to pass a bill which shall be substantially as follows:

A BILL

To be entitled An Act to establish an inferior court in precinct 3 in Houston county, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct to be known as court of common pleas of Dothan, Alabama; to prescribe the qualifications and the term of office of the judge of said court, his compensation and the method of payment thereof; to provide for the appointment of the first judge of said court, the election of his successor at the general election held in the State in 1924 and thereafter every fourth year; to provide for the filling of any vacancy in the office of judge; to provide for the appointment of a temporary judge and his compensation in the event of the temporary absence or disqualification or disability of the regular judge; to prescribe the powers, jurisdiction and duties of said court and the judge thereof and the pains and penalties of the judge of said court; to prescribe the procedure of said court and the manner of taking appeals therefrom; to provide for the execution of the process of said court; to require all court costs, fines, forfeitures and penalties to be paid in lawful money and when collected paid to the depository of the county and to be kept in a separate fund to be known as "The Inferior Court Fund;" to provide for the payment of the salary of the judge of the inferior court, for the necessary stationery of said court out of the inferior court funds; to provide that on the first day of January of each year after all previous claims against said fund have been paid that the excess remaining in the inferior court fund be transferred and paid into the fine and forfeiture fund of the county; to abolish the office of justice of the peace and notary public with powers of a justice of the peace in said precinct; to provide for the transfer of all cases pending in the courts of the justices of the peace and notary public with powers of justice of the peace in said precinct to the inferior court of said precinct and for the enforcement of all judgments uncollected in said courts.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby established in precinct 3 of Houston county, Alabama, a precinct lying partly within the city of Dothan, a city of more than 10,000 population, an inferior court in lieu of all justices of the peace and notaries public with power of justice of the peace in said precinct, and said court to be known as "The Court of Common Pleas of Dothan, Alabama."

Section 2. That said court and the judge thereof shall have and exercise all the jurisdiction, power and authority, and shall perform all of the duties that are now or may hereafter be conferred by law on justices of the peace in civil and criminal cases, and such preliminary jurisdiction as is now or may be hereafter conferred by law on justices of the peace.

Section 3. That said court shall conform to and be governed by the rules, practice and procedure that are now or that may hereafter be made applicable to justices of the peace in this State.

Section 4. That there shall be one judge of said court, who at the time of election or appointment shall be a resident of precinct 3, Houston county, Alabama, twenty-one years of age or over and shall have been admitted to practice law in the courts of the State of Alabama. The first judge of said court shall be appointed by the Governor of the State of Alabama and shall hold office until the general election for State and county officers in the year 1924 and until his successor is elected and qualified. That a judge of said court shall be elected at the general election for State and county officers in 1924 and every four years thereafter and shall hold office four years and until his successor is elected and qualified. That such election shall be by the qualified electors of precinct 3, Houston county, Alabama.

Section 5. That the judge of said court before performing any of the duties of office shall take the oath of office as prescribed by the Constitution and laws of the State of Alabama for justices of the peace and enter into bond with sureties in the sum of two thousand dollars, payable and conditioned as in case of justices of the peace, which bond shall be approved by the judge of probate of Houston county, and which oath and bond shall be filed and recorded in the office of such judge of probate.

Section 6. That the judge of said court shall be liable to all the pains and penalties that may now or may hereafter be imposed on justices of the peace.

Section 7. Vacancies in the office of judge of said court shall be filled by appointment of the Governor and shall hold office for the unexpired term and until his successor is elected and qualified. In the event the judge of said court is disqualified, or disabled or is temporarily absent from the precinct, the probate judge of Houston county shall appoint a temporary or special judge to discharge the duties of the regular judge during his disability, or disqualification or absence, and such temporary judge shall receive for the time he serves compensation at the same rate as that of the regular judge, such compensation to be paid on the warrant of the probate judge on the inferior court fund. In the absence of the probate judge in cases of emergency the judge of the circuit court of Houston county shall make the appointment of a temporary or special judge of said court.

Section 8. The judge of said court shall not hold other office of profit in the State except a judicial office. The judge of said court shall not be disqualified from practicing in the courts of the State other than the court of common pleas of Dothan, Alabama, provided that he shall not accept employment in any case originating in or passing through the court of which he is judge.

Section 9. That the judge of said court shall receive a salary of fifteen hundred dollars per annum, payable monthly, out of the inferior court fund upon warrant drawn by the judge of probate of Houston county.

Section 10. The judge of said court shall tax in each case in said court as court cost the same fees allowed justices of the peace in similar cases, which cost as well as all fines, forfeitures and penalties assessed or imposed in said court shall be paid in lawful money and on the first day of each month the judge of said court shall file with the judge of probate his report giving a full statement of all cost, fines, forfeitures and penalties collected since his last report and the style of the case in which the same were collected and the said funds so reported shall be paid by the judge of said court to the depository of the county and such depository shall place said funds in a special fund to be known as "The Inferior Court Fund" and shall pay no money out of such fund except on warrants drawn by the probate judge of Houston county, on such special fund. That the judge of probate of Houston county is hereby authorized and it is made his duty to draw his warrants against said inferior court fund for the compensation of the judge of said inferior court and for the necessary expenses of said court for dockets and other stationery that may be bought by the judge of said court, and immediately after the first of January of each year he will draw his warrant

against said fund for the excess thereof remaining on deposit after all demands against the same have been paid for the previous year.

Section 11. All process issued out of said court shall be directed to any lawful officer of the State and shall be executed by the sheriff of Houston county, Alabama, or his deputy, where execution may be had in said county, and in all other cases shall be executed in the same manner and by the same officers as though it had been issued by a justice of the peace. For services rendered in the execution of the process of said court the officer executing shall receive the same compensation as for executing process issued by justices of the peace, the same to be taxed and collected as taxed and collected in courts of the justices of the peace. Witnesses in said court shall be entitled to the same fees as in justice courts to be taxed and collected as in said justice courts.

Section 12. Appeals from the judgment of said inferior court in civil and criminal cases may be taken as is provided for appeals from judgments of justices of the peace.

Section 13. The court of common pleas of Dothan, Alabama, shall be open at all times for the disposition of business of the court and the judge of said court shall designate on the docket of the court a certain day of each week as return day. Said court shall be held at the court house of the county.

Section 14. The offices of justices of the peace and notaries public with powers of justice of the peace in said precinct 3 are hereby abolished, to take effect 60 days after the approval of this Act, and immediately thereafter all the justices of the peace and notaries public with powers of justice of the peace in said precinct 3, Houston county, Alabama, shall deliver their dockets, official papers and records of all kinds of their respective offices to the judge of the court of common pleas of Dothan, Alabama, and all causes pending in said courts shall be by such delivery transferred to the court hereby established and subsequent proceedings in said causes shall be had in said court of common pleas as though they had originally been brought in said court; execution or other appropriate process for the collection of judgments rendered before the transfer of the causes may be issued by the court hereby established and all fees and cost accruing before the transfer shall be paid on collection to the parties to whom they were payable but for such transfer.

Section 15. If any section or provision of this Act shall be declared unconstitutional it shall not affect or destroy the validity or constitutionality of any other section or provision thereof which is not in and of itself void or unconstitutional.

August 16th.

State of Alabama, }
Houston County. }

Before me, J. H. Dykes, a Notary Public in and for said State and county, personally appeared R. H. Ferguson, who being by me duly sworn, deposes and says: that he is editor of the Wiregrass Journal, a newspaper published at Dothan, in Houston county, Alabama, and has personal knowledge of the facts stated herein and knows the same to be true; that the foregoing notice hereto attached was published in the Wiregrass Journal for four consecutive weeks prior to the date hereof without cost to the State of Alabama; that said notice was published in said newspaper on the following dates, to-wit: August 16th, August 23rd, August 30th, 1923 and September 6th, 1923.

R. H. Ferguson,
Editor of the Wiregrass Journal.

Sworn to and subscribed before me on this the 6th day of September, 1923.

(Seal)

J. H. Dykes,
Notary Public.

By Mr. Williams:

H. 993. To amend section 18 of an Act of the Legislature of Alabama approved October 1, 1920, entitled "An Act in relation to the Alabama Public Service Commission; to enlarge the powers, authority and jurisdiction of the Alabama Public Service Commission; to supervise, regulate, and control the rates, fares and charges, facilities, practices, rules and service, the finances and securities of transportation companies; to provide measures for the enforcement of the commission's orders, and penalties and forfeitures for failure to comply with the orders of the commission and with the provisions of this Act; to regulate transportation companies and to provide for the payment by such companies of a supervision or inspection fee; to provide necessary facilities for the commission, and for the employment of the secretary of the commission."

Judiciary.

By Mr. Poole:

H. 994. To require automobile mechanics, garage keepers and operators and all other persons, firms and corporations, engaged in the business of repairing automobiles and other motor vehicles, to publish and display in a prominent place in the place of business of such person, firm or corporation, a schedule of rates and charges by such person, firm or corporation, for work and labor upon such automobiles and other motor vehicles, and to provide a penalty for a violation of the provisions of this Act.

Judiciary.

BILLS ON SECOND READING.

Mr. Verner, chairman of the Standing Committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 338. To amend section 3441 of the Code of Alabama of 1907.

H. 879. To authorize any literary society, social society, young men's Christian association, or young women's Christian association, to convey the title to real estate belonging to it, and to prescribe the proceedings to authorize the execution of the deed, and to prescribe the prima facie evidence of the authority to execute the deed, and to authorize a certified copy of the minutes of the meeting authorizing the execution of the conveyance to be recorded in the office of the judge of probate where the property is situated, and to prescribe the effect thereof.

Mr. Walker, chairman of the Standing Committee on Revision of Laws, reported that said committee in session had acted

on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 882 (with amendment). To authorize and create an additional judge of the Fifth Judicial Circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other circuit judges of the State, and to provide for the salary of said judge.

Mr. Walker, chairman of the Standing Committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 898. To authorize and empower the directors of the Alabama Boys Industrial School to sell and convey land belonging to said school.

H. 939. To amend section 3480 of the Code of Alabama of 1907.

S. 429. To amend an Act entitled "An Act to amend sections 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6460, 6461, 6462, 6463, 6464, 6465 of the Code of Alabama, 1907," approved September 16, 1915.

S. 428. To provide for the introduction in evidence of a sheriff's deed without independent proof of facts or proceeding recited in such deed.

Mr. Walker, chairman of the Standing Committee on Revision of Laws, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

S. 346 (with amendment). To amend section 6856 of the Code of 1907.

Mr. Ashcraft of Lauderdale, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 47. To amend chapter 21 of the Code of 1907 relating to the Geological Survey.

H. 867. To provide for the levying and collecting of a license or privilege tax upon each person, firm, corporation, joint stock company or association engaged in the business of severing from the soil of this State any natural product such as timber, or turpentine; or any minerals, such as oil, gas, sulphur, salt, coal, iron ore, beauxite, limestone, marble, graphite, sand or gravel; or severing from the waters of this State any of the products thereof, such as oysters or shrimp; or engaged in the business of severing from the soil or waters of this State any other natural

product or resource, and to provide penalties for violations of this Act, or failure to comply with the provisions of this Act.

H. 906. To appropriate funds for the assembling and binding of newspapers in the files of the Department of Archives and History.

H. 940. To provide that the unexpended balances in all special and trust funds, except those provided for in the Constitution and such appropriations as are taken in whole or in part from the general educational fund or from the annual legislative appropriation to the public schools and the pension fund, be made to revert to the general fund at the close of each fiscal year.

H. 960. To make an additional appropriation for the enforcement of the laws of the State.

H. 969. To fix the amount of the Governor's contingent fund and to make an appropriation therefor.

S. 129. To make an appropriation for the equipment and maintenance of the Alabama room in the Confederate Memorial Museum at Richmond, Virginia.

Mr. Ashcraft of Lauderdale, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 835. (with amendment). To provide for the relief of Cora Spencer, and to make an appropriation therefor.

Mr. Luck, chairman of the Standing Committee on Local Legislation, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 654. To fix the compensation of coroners in counties of this State of two hundred thousand inhabitants or more according to the last Federal census or any subsequent Federal census.

H. 774. To further provide for improvement and maintenance of the public roads and bridges of Crenshaw county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service, and levy and collect a special privilege license tax; to provide the manner in which the funds so collected shall be used in the improvement and maintenance of the public roads and bridges of said county and for other purposes as set out in this Act and to provide for penalty for violating of and failure to comply with the provisions created under authority of this Act.

H. 883. To provide for the payment and to make legal all claims, script and certificates issued to witnesses and officers heretofore registered with the treasurer of Tallapoosa county,

and to authorize, empower and direct the treasurer of said county to pay the same out of the fine and forfeiture fund of said county in the order of registration.

H. 910. To amend section (1) and section (3) of an Act entitled "An Act to make better provision for the payment of the fees of State witnesses in criminal cases in the circuit court and county court and before the grand jury of Crenshaw county, to make appropriations therefor and to fix the amount of such fees and to prescribe the duties of the county treasurer under this Act. Local Act for Crenshaw county, approved Sept. 12th, 1919.

H. 915. To extend the boundary lines of the city of Mobile, Alabama, and exempt the added territory and property having a situs therein from city taxes for a period of fifteen years.

H. 941. To provide for the establishing, construction and maintaining of public roads and bridges in Cullman county, Alabama; creating a highway commission for said county, and defining its powers, jurisdiction and duties.

H. 950. To amend sections 1, 2, 3, 6, 11, 17, 20, 22, 23, 24, 28, 30 and 34 of an Act of the Legislature of Alabama, entitled "An Act to provide for a better system of public roads for the county of Lamar, State of Alabama, and to provide ways and means by which said system may be maintained and effected, and to provide vehicle license and commutation fees and their manner of collection and expenditure," approved February 10, 1923.

H. 953. To provide for the manner of appointing or electing a marshal or chief of police of the city of Athens, Alabama, and to provide for the fixing of his salary and term of office.

H. 957. For the relief of Carl M. Glass, tax collector of Pickens county, Alabama.

H. 961. To repeal an Act entitled An Act "To provide for the improvement of the public roads and bridges of Tallapoosa county, Alabama," approved February 28, 1911.

H. 963. To provide for the election of a county treasurer of Walker county, Alabama, by the qualified electors of said county and to prescribe his duties and compensation.

H. 964. Prescribing the salary and the manner of payment of the same, of the chief deputy sheriff for Walker county, Alabama.

H. 970. To better regulate public road working in Lauderdale county, Alabama, and to require the working thereon of wagons and teams, and to prescribe punishment for violation of the Act, and to provide for disposition of fines and road tax collected under the same.

Mr. Luck, chairman of the Standing Committee on Local Legislation, reported that said committee in session had acted on

the following bill and ordered same returned to the House with a favorable report with amendment:

S. 370 (with amendment). To amend section 10 of an Act entitled "An Act to establish a board of revenue for Macon county in lieu of the court of county commissioners as now provided by law. To relieve the judge of probate of his duties as chairman of said court or board, and to provide for the election of a chairman and clerk thereof, and to fix the powers and duties and provide for the compensation of the members and clerk of said board.

Mr. Howard, chairman of the Standing Committee on County and County Boundaries, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 438. To alter the boundary line between Calhoun and Etowah counties and to transfer from Etowah county to Calhoun county fractions L, M and N of section 6, township 14 south, range 6 east.

S. 439. To alter the boundary line between Etowah county and Calhoun county so as to transfer to Etowah county all that part of sections 34, 35 and 36 of township 12, range 8, which lies north of the Indian boundary line, and is now situated in Calhoun county, Alabama.

Mr. Patterson, chairman of the Standing Committee on Public Printing, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 379. To provide for the printing and binding of additional copies of the Acts and joint resolutions of the Legislature, and payment therefor.

Mr. Graves, chairman of the Standing Committee on Claims and Fees, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 968. To provide for the payment to the sheriffs of the various counties of this State the sum of ten cents (10c) per mile from the court house to the place of arrest and a like sum from the place of arrest to the court house of the county in all cases in which a conviction may be had for a violation of the laws of this State; to cover the expense of such trips and to provide that the same shall be taxed against the defendant on conviction. To provide for the repeal of the provisions of all laws, general, local or special in conflict with the provisions of this Act.

Mrs. Wilkins, chairman of the Standing Committee on Public Health, reported that said committee in session had acted on

the following bills and ordered same returned to the House with a favorable report:

H. 873. To further revise, extend and amend the health and quarantine laws of the State of Alabama by making amendments of section 707 of the Code of Alabama.

H. 884. To amend section 5, section 7, section 8, section 9, section 13 and section 14 of "An Act to provide for State registration of nurses," enacted by the Legislature of Alabama at its regular session in 1915 and approved August 6th, 1915, and found in the General Acts of Alabama 1915, on pages 271 to 274 inclusive.

H. 801. For the protection of the public health by regulating the possession, control, dealing in, giving away, delivery, dispensing, administering, prescribing, and use of certain drugs, and keeping records thereof; by regulating the use of the drugs in the treatment of the drug habit; by providing for the revocation and suspension of licenses of physicians, dentists, veterinarians, pharmacists, druggists, and registered nurses for certain causes, and by providing for the enforcement of this Act, and penalties.

H. 773. To provide for the establishment of county boards of child welfare; to define the duties, powers and functions of such boards; to provide for the employment of county superintendents of child welfare and assistants, to prescribe their duties, powers and functions, and to provide for their compensation and expenses; to provide for an office for the county board and superintendent of child welfare; to provide for the co-operation of county boards of child welfare with city boards or departments of public or child welfare; to authorize the governing body of any city, town or municipality in the county to make appropriation to aid in the payment of the salary and expenses of the county superintendent of child welfare and his assistants.

Mr. Verner, chairman of the Standing Committee on Judiciary, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 923. To amend section 574 of the Code of Alabama of 1907; to change the office of chief clerk to that of deputy secretary of State; to prescribe the duties of the deputy secretary of State; to fix the compensation of the said deputy secretary of State; to create the position of clerk in the office of the secretary of State; to prescribe the duties and fix the salary thereof; and to fix the salary of the stenographer in the office of the secretary of State.

The above and foregoing bills were severally read a second time and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. Luck, chairman of the Standing Committee on Local Legislation, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

H. 607. To confer upon the board of school commissioners of Mobile county the power of eminent domain and the right to exercise the same.

Mr. Ashcraft, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 925. To further provide for the revenue of the State.

H. 926. To provide further for the subjects of taxation in this State.

H. 966. To exempt Federal rural mail carriers from the payment of State automobile license tax.

Mrs. Wilkins, chairman of the Standing Committee on Public Health, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

H. 662. Relative to the sale, giving away, furnishing and distribution of certain narcotic drugs, and offenses with reference thereto.

RE-COMMITTAL OF BILLS.

On motion of Mr. Fite the bill:

H. 722. To provide for the election by the qualified voters in all counties of this State, having a population of over two hundred thousand, according to the last Federal census, or any subsequent Federal census, of each and every county official, whose salary, fee or compensation is fixed by legislative enactment at three thousand dollars or more per annum and paid in whole or in part out of the county funds of such counties, and to define the term "county official."

Was recommitted to the Standing Committee on Judiciary.

On motion of Mr. Verner the bills:

S. 317. To amend section 6376 of the Code of Alabama of 1907.

And

S. 319. To amend section 6372 of the Code of Alabama of 1907.

Were taken from the adverse calendar and recommitted to the Standing Committee on Judiciary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate joint resolution, and sends same herewith to the House:

By Rules Committee:

S. J. R. 142. Resolved by the Senate, the House concurring, That when the two houses adjourn today at 1:00 o'clock, they adjourn to meet Tuesday, September 11th, at 10:00 o'clock A. M.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the S. J. R. 142, which is set out in the above and foregoing message from the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following resolutions with the engrossed and original resolutions, respectively, and find same correctly enrolled, to-wit:

H. J. R. 185. Relative to the Governor of Alabama issuing a proclamation for the observance of the 14th day of December as "Alabama Day."

H. J. R. 112. Relative to the payment to certain clerks for their services from July 10, 1923, to and including the 1st day of August, 1923.

Jas. A. Smith,
Chairman.

SIGNING OF RESOLUTIONS.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House joint resolutions, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

BILLS ON THIRD READING.

S. 397. To amend section 5652 of the Code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 76; Nays, 1.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Howard	Parker
Adams	Dunwoody	Howze	Patterson
Adcock	Embry	Hubbard	Ringer
Allen	Fanning	Jeter	Rives
Arrington	Fite	Jones	St. John
Ashcraft (Fayette)	Forman	Kilborn	Sanders (Pike)
Ashcraft (Lauderd ¹)	Gaines	Lee	Sessions
Bealle	Glover	LeMaistre	Smith (Clay)
Bowen, Lewis	Goodwyn	Letson	Smith (Lee)
Bowen, L. K.	Graves	Love	Sollie
Boykin	Grove	Luck	Stewart (Bibb)
Burns	Guy	McDaniel	Stewart (Calhoun)
Burton	Hall	McGowen	Thompson (Etowah)
Byars	Hampton	Melton	Tiller
Calloway	Hawkins	Moorer	Tyson
Cato	Henley	Moxley	Walker
Cook	Henson	Nichols	Wall
Deloney	Hodgson	Norman	Ware
Dickinson	Hornsby	Odom	Young

—76

Nays:

Mr. Verner—1.

H. 843. To authorize the State Auditor to draw a warrant on the treasury in favor of the employees and clerks of the Legislature of 1923 as provided by the report of the committee appointed under Senate joint resolution No. 86, and adopted August 2, 1923.

Was read a third time at length and passed.

Yeas, 63; Nays, 1.

Yeas:

Messrs:

Adcock	Deloney	Hornsby	Pickens
Allen	Dunwoody	Howze	Poole
Ashcraft (Fayette)	Embry	Hubbard	Ringer
Ashcraft (Lauderd ^e)	Fanning	Jeter	Rives
Bealle	Ferrell	Kilborn	St. John
Bowen, Lewis	Fite	Lee	Sanders (Pike)
Bowen, L. K.	Forman	LeMaistre	Sessions
Boykin	Glenn	Letson	Sollie
Burns	Goode	Long	Stewart (Calhoun)
Burton	Goodwyn	Luck	Tiller
Byars	Graves	McDaniel	Tunstall
Calloway	Grove	McGowen	Varner
Cato	Hampton	Melton	Walker
Christian	Hatter	Odom	Wall
Coleman	Hawkins	Parker	Ware
Culver	Hodgson	Patterson	

—63

Nays:

Mr. Henson—1.

And the bill was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the House of Representatives:

I am directed by the Governor to hand you herewith his message concerning the passage of certain bills.

Respectfully,
A. L. Tyson,

Secretary to the Governor.

Sept. 7, 1923.

GOVERNOR'S MESSAGE.

Message to the House of Representatives:

I feel that I should respectfully but seriously call your attention to the following facts which present a condition that is both important and grave.

The Constitution of this State provides that all revenue bills must originate in the House and that no revenue bill shall be passed during the last five days of a session. For these reasons I earnestly request that the House remain in session today until it can pass all of the revenue bills now pending before the House or that it has on its calendar, and until it has passed all the revenue bills which it proposes to pass at this regular session. To consider or pass such bills at a later date, when the Senate could not act upon them and pass them before the last five days of this session, would be useless and futile.

I, therefore, earnestly request that you remain session today until you have passed all of the revenue bills which your wisdom deems proper should be passed at this session.

Respectfully submitted,
Wm. W. Brandon,
Governor.

September 7, 1923.

The above and foregoing message from the Governor was read at length by the Clerk and ordered spread upon the Journal.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the resolution:

H. J. R. 193. Relative to requesting the Governor to return S. 296 and the erasure of the signatures of the President of the Senate and Speaker of the House therefrom.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the House:

In accordance with H. J. R. 193 I herewith return to you S. 296.

Respectfully,
Wm. W. Brandon,
Governor.

ERASURE OF SIGNATURE.

The Speaker of the House, in the presence of the House, in accordance with H. J. R. 193, erased his signature from said bill, S. 296.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 816. To amend sections ten, eleven, and eleven and one-half of an Act entitled "An Act in reference to and to further provide for the general revenue of the State of Alabama, approved August 22nd, 1923."

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 402. To provide for the payment of an expense account for the solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense account shall be paid out of the county treasuries of the several counties composing such circuit, the amount to be paid by each of such counties, to be based upon the assessed taxed valuation of the counties, in such circuit.

H. 797. To confirm, ratify and validate all warrants of the county of Marengo heretofore issued by the judge of probate, under the authority of the commissioners court of said county, in all cases wherein said county has received the benefit of the goods, wares or merchandise furnished the said county, or the work and labor done for said county, or any service rendered to said county, for any lawful purpose, by any person, firm or corporation, and which said goods, wares or merchandise, or work and labor, or other service, was accepted and used for the benefit of said county, in the lawful business of said county, and to make the said warrants valid, legal and binding upon the said county to the same extent as if all requirements of law had been fully complied with by the said commissioners court and probate judge prior to the issuance of said warrants.

H. 798. To confirm, ratify and validate all six per centum interest-bearing warrants which have heretofore been or may hereafter be, issued by authority of the commissioners court of the county of Marengo, for the purpose of refunding the existing lawful indebtedness of said county, under the power conferred by an Act approved September 28th, 1920, or any other provision of law.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the Executive Department on the dates and hours named, and that I hold the receipts of the Executive Department for same.

Delivered to the Governor Sept. 7, 1923, 11 A. M.:

H. J. R. 185. Relative to the Governor of Alabama issuing a proclamation for the observance of the 14th day of December as "Alabama Day."

Also:

H. J. R. 112. Relative to the payment to certain clerks for their services from July 10, 1923, to and including the 1st day of August, 1923.

J. H. Stewart,
Clerk.

UNFINISHED BUSINESS.

The House proceeded to the consideration of the unfinished business which was the bill:

S. 172. To amend an Act approved October 31, 1921, entitled An Act to provide further for the construction, repair, and maintenance of the public roads, bridges and highways in this State.

And the substitute offered by Mr. Goodwyn to the bill, and the amendment offered by Mr. Long to the substitute.

Mr. Long asked unanimous consent to withdraw his amendment to the substitute. Consent was granted and Mr. Long withdrew his amendment.

Mr. Long offered the following amendment to the substitute offered by Mr. Goodwyn:

Amend S. 172 by striking out section 1 and inserting in lieu thereof the following:

Section 1. That there is hereby created a State highway commission, consisting of ten members and a chairman; the ten members to be associate members, who shall be selected as hereinafter provided. The members of the commission shall hold office at the will of the Governor, and be subject to removal by him in his discretion when, in his opinion, the public good requires it.

The ten associate members shall be qualified electors of the State of Alabama, and shall serve without pay, except when attending meetings of the commission, on call of the chairman, or of the Governor, they shall be paid their actual expenses. The chairman of the commission shall give his entire time to the discharge of the duties of his office, and shall receive a salary of seventy-five hundred (\$7,500.00) dollars per annum, to be paid in

equal monthly installments as other State officers are now paid.

That after the approval of this Act and before the final adjournment of the Legislature the Senate shall meet and elect four members of said highway commission, and the House of Representatives shall meet and elect six members of said highway commission, who shall hold office until their successors are elected and qualified. Said election shall be by ballot or viva voce.

That the chairman of the State highway commission shall be elected by the ten associate members of said commission. That ~~as soon~~ after their election and qualification by taking the constitutional oath of office, as practicable, the ten associate members of said commission shall meet at the Capitol, on call of the Governor, and proceed to elect a chairman of the commission, and they shall forthwith certify to the Governor their selection.

All vacancies in the office of the associate members shall be filled by appointment of the Governor.

That the State highway commission, with the approval of the Governor, shall employ some competent person, who may not be of the commission, who shall have control and supervision of the maintenance and construction of the public roads in this State; that the person so employed shall give his entire time to the performance of his duties, and may be removed at the pleasure of the chairman, or of the Governor, when in the judgment of the chairman, or of the Governor, the public good requires it. That the person so employed shall receive such salary as the commission, with the approval of the Governor may fix, not to exceed \$4,000.00 per annum.

That when it is deemed necessary by the State Highway Commission, the commission may, with the approval of the Governor, employ an additional person, who may not be of the commission, who shall have charge, control and supervision of the maintenance of the public roads in this State; that the person so employed shall give his entire time to the performance of the duties, and shall receive such salary as the commission, with the approval of the Governor, may fix, not to exceed \$4,000.00 per annum. And such person may be removed at the will of the chairman, or of the Governor.

That the State Highway Commission, with the approval of the Governor, shall appoint a State Highway Engineer, who shall be a competent civil engineer, who shall be at all times under the direction of the chairman of the commission, and of the Governor. That the State Highway Engineer shall give his entire time to the performance of his duties as such engineer; and shall perform all the duties now required of him, or which may be hereafter required of him, by law. The State Highway Engineer shall receive such salary, not to exceed six thousand

(\$6,000.00) dollars per annum, as the commission may, with the approval of the Governor, fix.

Mr. Goodwyn moved to indefinitely postpone the amendment offered by Mr. Long and the motion prevailed.

Yeas, 51; Nays, 39.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Luck	Rountree
Arrington	Fite	McDaniel	St. John
Ashcraft (Lauderdl.)	Glenn	McGowen	Smith (Jefferson)
Bealle	Goode	Melton	Smith (Lee)
Bowen, Lewis	Goodwyn	Moorer	Stewart (Calhoun)
Bowen, L. K.	Graves	Moxley	Tunstall
Cato	Hatter	Norman	Varner
Christian	Holcombe	Odom	Verner
Coleman	Howze	Parker	Walker
Dickinson	Hubbard	Patterson	Wall
Dowdle	Kilborn	Pickens	Mrs. Wilkins
Embry	Lee	Poole	Young
Fanning	LeMaistre	Rives	

—51

Nays:

Messrs:

Adams	Deloney	Henson	Sanders (Pike)
Adcock	Dunwoody	Hodgson	Sessions
Ashcraft (Fayette)	Forman	Hornsby	Smith (Clay)
Blackwell	Gaines	Howze	Stewart (Bibb)
Boykin	Glover	Jeter	Thompson (Etowah)
Burns	Grove	Letson	Tiller
Burton	Guy	Long	Tyson
Byars	Hall	Love	Walton
Cook	Hawkins	Nichols	Ware
Culver	Henley	Ringer	

—39

PAIRS ANNOUNCED.

Mr. Allen announced that he was paired with Mr. Sanders of Conecuh. If Mr. Sanders were present he would vote nay and Mr. Allen would vote yea.

Mr. Williams announced that he was paired with Mr. Powell. If Mr. Powell were present he would vote nay and Mr. Williams would vote yea.

Mr. Tunstall offered the following amendment to the substitute offered by Mr. Goodwyn to the bill, S. 172:

Amend section 1 of the substitute for Senate bill 172 so as to read as follows:

Section 1. There is hereby created a State Highway Department for the State of Alabama, which shall consist of a State Highway Commission of three members, no two of whom shall be from the same congressional district. To be selected as follows: The Governor shall nominate three persons for chairman and six for associate commissioners, and shall submit their names to

each house of the Legislature. The said nominees shall be voted on by each house separately, and the nominee receiving the majority vote of each house for chairman shall be the chairman of the commission, and the two nominees receiving the majority vote of each house for associate commissioners shall be the associate members of the commission. In the event one of the nominees for chairman or two of the nominees for associate commissioners shall not receive a majority vote of each house, the two houses shall meet in joint session and elect from the nominees a person or persons to fill the places not filled by separate election as hereinbefore provided. And in event of such joint session a vote of three-fifths of the ~~members attending~~ such joint session shall be required for the election of any member of said commission as herein provided. Provided, if such joint session fails to elect from the names submitted, then the Governor shall send three additional names for each place such session fails to elect to the Senate and House as provided herein. The said commissioners shall be bona fide residents and qualified electors of Alabama. Unless otherwise removed from office as is provided for in this Act, the president of the commission shall serve for a term of six years from date of appointment, one associate commissioner shall serve for a term of four years from date of appointment, and the other associate commissioner shall serve for a term of two years from date of appointment, after which the term of each member shall be four years, unless sooner removed as is provided for in this Act. The Governor may remove any member as is now provided by law for the removal of appointive officers by the Governor. All vacancies in the commission shall be filled by appointment of the Governor for the unexpired term. Two members of the commission shall constitute a quorum for the transaction of business of the State Highway Department. Notice of all meetings of the commission shall be given by the secretary of the commission in such manner and under such rules or regulations as may be prescribed by the commission. Each of the commissioners shall execute bond in such amount as the Governor may require, payable to the State, in some guarantee company doing business in Alabama.

And the amendment offered by Mr. Tunstall, to the substitute offered by Mr. Goodwyn, was adopted.

And the substitute offered by Mr. Goodwyn, as amended by the amendment offered by Mr. Tunstall, was adopted.

Yeas, 70; Nays, 19.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Arrington

Ashcraft (Fayette)

Ashcraft (Lauderdl.) Bowen, L. K.

Bealle

Burton

Bowen, Lewis

Calloway

Cato	Graves	McDaniel	St. John
Christian	Hampton	McGowen	Sanders (Pike)
Coleman	Hatter	Melton	Sessions
Cook	Henley	Moorer	Smith (Jefferson)
Deloney	Hodgson	Moxley	Smith (Lee)
Dowdle	Holcombe	Norman	Stewart (Bibb)
Dunwoody	Howze	Odom	Stewart (Calhoun)
Embry	Hubbard	Parker	Tunstall
Fanning	Kilborn	Patterson	Verner
Ferrell	Lee	Pickens	Walker
Fite	LeMaistre	Poole	Ware
Forman	Letson	Ringer	Mrs. Wilkins
Glenn	Long	Rives	Williams
Goode	Love	Rountree	Young
Goodwyn	Luck		

—70

Nays:

Messrs:

Boykin	Glover	Henley	Thompson (Etowah)
Burns	Grove	Henson	Tiller
Culver	Guy	Howard	Tyson
Gaines	Hall	Nichols	Walton
Glenn	Hawkins	Smith (Clay)	

—19

And the bill:

S. 172. To amend an Act approved October 31, 1921, entitled An Act to provide further for the construction, repair, and maintenance of the public roads, bridges and highways in this State.

As amended by the substitute offered by Mr. Goodwyn, as amended by the amendment offered by Mr. Tunstall, was read a third time at length and passed.

Yeas, 65; Nays, 13.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Howze	Odom
Adams	Dunwoody	Hubbard	Patterson
Adcock	Embry	Jeter	Poole
Allen	Fanning	Kilborn	Posey
Arrington	Ferrell	Kilpatrick	Ringer
Ashcraft (Fayette)	Fite	Lee	Rives
Ashcraft (Lauderdl.)	Forman	LeMaistre	St. John
Bealle	Glenn	Letson	Sanders (Pike)
Blackwell	Goode	Long	Smith (Jefferson)
Bowen, Lewis	Goodwyn	Love	Smith (Lee)
Bowen, L. K.	Graves	Luck	Stewart (Calhoun)
Burns	Hampton	McDaniel	Tunstall
Burton	Hatter	McGowen	Verner
Calloway	Henley	Melton	Walker
Christian	Hodgson	Moorer	Mrs. Wilkins
Cook	Holcombe	Norman	Young
Dickinson			

—65

*Nays:**Messrs:*

Boykin	Hawkins	Nichols	Sollie
Culver	Henson	Sessions	Tiller
Grove	Howard	Smith (Clay)	Tyson
Guy			

—13

BILL ON THIRD READING.

H. 904. To establish a board of revenue for Marengo county, and for the abolishment of the court of county commissioners of said county.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

*Yeas:**Messrs:*

Mr. Speaker	Dowdle	Howard	Poole
Adams	Dunwoody	Howze	Posey
Adcock	Embry	Jeter	Ringer
Allen	Ferrell	Jones	Rives
Bealle	Fite	Lee	St. John
Blackwell	Gaines	Letson	Sessions
Boykin	Glenn	Long	Sollie
Burns	Glover	Luck	Tiller
Burton	Goode	McDaniel	Tunstall
Byars	Graves	Moorer	Tyson
Cato	Grove	Moxley	Wall
Coleman	Guy	Nichols	Walton
Cook	Hall	Odum	Ware
Culver	Hatter	Parker	Williams
Deloney	Henley	Pickens	Wyatt

—60

On motion of Mr. McDaniel the bill, H. 904, was ordered sent to the Senate without engrossment.

BILL ON THIRD READING.

H. 570 (with substitute). To provide a general system of legislation pertaining to agriculture and industries, and related subjects, including therein: the establishment of a Department of Agriculture and Industries; a State Board of Agriculture; the abolishment of the board of agriculture as provided by an Act approved February 11, 1911, and known as the board of agriculture; the abolishment of the board provided for by chapter 24 of the Code of 1907, as subsequently amended and known as the State Board of Horticulture; and the abolishment of a board provided for by article 4 of chapter 22 of the Code of 1907, as subsequently amended and known as the State Livestock Sanitary Board; the transfer of all the powers and duties vested in and required to be performed by the said boards abolished, and of any unexpended balances of fees or appropriations to the said

board created in this Act; the prescribing of the powers and duties of the commissioner of agriculture and industries, and of the State Board of Agriculture; and including ample provisions governing and regulating the subjects of fertilizers and fertilizer materials; limestone; white lead or paints, linseed oil, and turpentine; kerosene and other illuminating oils; insecticides and fungicides; commercial feeds; agricultural seeds; eggs; vinegar; sausage, imitation butter and cheese; milk, cream, ice cream and other dairy products, and the premises thereof; foods and drugs; bleached flour; corn meal; mills and millers; bees and honey; weights and measures, and the legal weights and measures of certain commodities; public gins; cotton; cotton standards and public cotton classers; public warehouses; uniform law of warehouse receipts; horticultural and floracultural products; trees, fruit trees, seeds, plants and vines as to name, variety and kind; citrus fruits; sale of farm produce by the producer; standards for agricultural products and their containers; standards for grain; livestock; livestock pedigrees, stock running at large; estrays; public service of stallions and jacks; the sale of farm produce on commission; the leveeing, ditching and draining of wet, swamp and overflowed lands; the purchase and support of experimental farms by counties; the approval and support of county agents; the establishment of an agricultural fund in the State treasury out of the sums accruing from the operation of the provisions of this Act, and the appropriations from said fund, except for those purposes that have been heretofore and are now provided for in the general appropriation bills, for the support of these provisions; and the repeal of all laws and parts of laws in conflict with the provisions of this Act.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Agriculture, said substitute being as follows:

Substitute for House bill 570:

A BILL

To be entitled An Act to provide a general system of legislation pertaining to agriculture and industries, and related subjects, including therein: the establishment of a Department of Agriculture and Industries; a State Board of Agriculture; the abolishment of the Board of Agriculture as provided by an Act approved February 11, 1911, and known as the Board of Agriculture; the abolishment of the board provided for by chapter 24 of the Code of 1907, as subsequently amended and known as the State Board of Horticulture; and the abolishment of a board provided for by article 4 of chapter 22 of the Code of 1907, as subsequently amended and known as the State Livestock Sanitary

Board; the transfer of all the powers and duties vested in and required to be performed by the said boards abolished, and of any unexpended balances of fees or appropriations to the said board created in this Act; the prescribing of the powers and duties of the Commissioner of Agriculture and Industries, and of the State Board of Agriculture; and including ample provisions governing and regulating the subjects of fertilizers and fertilizer materials; limestone; white lead or paints, linseed oil, and turpentine; kerosene and other illuminating oils; insecticides and fungicides; commercial feeds; agricultural seeds; eggs; vinegar; **sausage**, imitation butter and cheese; milk, cream, ice cream and other dairy products, and the premises thereof; **foods and drugs**; corn meal; mills and millers; bees and honey; weights and measures, and the legal weights and measures of certain commodities; public gins; cotton; cotton standards and public cotton classers; public warehouses; uniform law of warehouse receipts; horticultural and floracultural products; trees, fruit trees, seeds, plants and vines as to name, variety and kind; citrus fruits; sale of farm produce by the producer; standards for agricultural products and their containers; standards for grain; livestock; livestock pedigrees; estrays; the sale of farm produce on commission; the leveeing, ditching and draining of wet, swamp and overflowed lands; the purchase and support of experimental farms by counties; the approval and support of county agents; the establishment of an agricultural fund in the State treasury out of the sums accruing from the operation of the provisions of this Act, and the appropriations from said fund, except for those purposes that have been heretofore and are now provided for in the general appropriation bills, for the support of these provisions; and the repeal of all laws and parts of laws in conflict with the provisions of this Act.

ARTICLE 1.

DEFINITIONS.

Be it enacted by the Legislature of Alabama:

Section 1. This Act shall be known, and when cited or amended, may be designated as the "Agricultural Code of Alabama."

Section 2. Definitions: For the purpose of this Act the word "person" means an individual, a partnership, a corporation, or two or more individuals having a joint or common interest. When construing and enforcing the provisions of this Act, the act, omission or failure of any officer, agent, or other person acting for or employed by any individual, partnership, corporation, or by two or more individuals having a joint or common interest, shall in every case also be deemed to be the act or omission or failure of such individual, partnership, corporation, or of two or more individuals having a joint or common interest.

The having in possession, by any person who manufactures, sells, keeps for sale, offers or exposes for sale, serves, distributes or delivers fertilizers, fertilizer materials, ground limestone, paint, white lead, linseed oil, turpentine, kerosene and other illuminating oils, insecticides and fungicides, commercial feeds, agricultural seeds, eggs, vinegar, sausage, imitation butter and cheese; milk, cream, ice cream and other dairy products, or any article of food or drugs, shall be prima facie evidence of having in possession with intent to sell; except that this shall not apply to any common carrier when said products or articles were received by said carrier for transportation in the ordinary course of its business, and without actual knowledge of the adulteration, misbranding, under standard, grade, weight or measure claimed.

Wherever the words "sell" or "sold" occur in this Act, it shall imply the sale, keeping for sale, offer or exposure for sale, having in possession for sale, delivery or distribution in this State, of the product or article in question.

ARTICLE 2.

STATE BOARD OF AGRICULTURE.

Section 1. There is hereby created a State Board of Agriculture, composed of seven members, which shall sit with the commissioner of agriculture and industries and shall exercise such duties and powers as are provided in this Act. This Board shall be made up as follows:

The commissioner of agriculture and industries, ex-officio chairman; the director of the Alabama Experiment Station of the Alabama Polytechnic Institute; three outstanding general farmers; one outstanding farmer engaged in horticulture; and one outstanding live-stock farmer.

The five said farmer members of the State Board of Agriculture shall be appointed by the Governor and confirmed by the Senate, provided that no two of the said appointive members shall reside in the same congressional district of the State. The three general farmers shall be appointed at first for a term of two years; the outstanding farmer engaged in horticulture for a term of four years; and the outstanding livestock farmer for a term of six years. At the expiration of the first term of the farmer members, they shall be appointed for terms of six years each, and the regular term of service thereafter shall be six years each. Provided, however, that any of the said appointive members shall be subject to dismissal by the Governor at his pleasure. In the event of such dismissal, the Governor shall appoint a new member to serve for the unexpired term of the member so dismissed.

Section 2. The State Board of Agriculture is hereby authorized to call into consultation the heads of departments, professors, or scientists of the Alabama Polytechnic Institute and officers or specialists of the Alabama Agricultural Extension Service whenever it may be deemed advisable to secure technical, scientific or practical information relating to any of the subjects of this Act. It shall be the duty of such heads of departments, professors, or scientists of the Alabama Polytechnic Institute and of the officers or specialists of the Alabama Agricultural Extension Service, when so requested by the State Board of Agriculture, ~~to attend any meetings of the board and to furnish such~~ information, facts and data in their possession as may be requested by the said board, it being the purpose of such consultations to co-ordinate the work of all agencies of the State connected with agriculture; to prevent conflict or overlapping of such work; and to secure the closest possible co-operation of all such State agencies for the advancement of agriculture in Alabama.

Section 3. The State Board of Agriculture shall hold its annual meetings each year at the office of the commissioner of agriculture and industries on the first Tuesday in September. Other regular meetings shall be held on the first Tuesday in January, April and July, and such special meetings may be held as the duties and business of the board may require. In case of the absence of the chairman, the board shall elect a temporary chairman. The rules generally adopted by deliberative bodies for their government shall be observed by the board. No motion or resolution shall be adopted without the concurrence of a majority of the whole board. The appointive members of the State Board of Agriculture shall receive a per diem of ten (\$10) dollars for each day of actual service and for a total of not more than twenty (20) days in any fiscal year. Each member of the board shall be allowed his actual traveling and other necessary expenses incurred in attending meetings and transacting the business of the board.

Section 4. The State Board of Agriculture is hereby empowered:

- (1) To co-operate with the United States Department of Agriculture and any Federal board, and with county and municipal officials, in the enforcement of such regulatory or police matters as are set forth for example in articles five and six of this Act.

- (2) To co-operate with the Agricultural Experiment Station and Extension Service of the Alabama Polytechnic Institute in promoting the interests of agriculture in Alabama.

- (3) To make and promulgate reasonable rules and regulations not in conflict with the provisions of this Act, and to direct the expenditure of the funds appropriated for carrying out the objects and purposes of this Act.

(4) To proceed, without delay, and do all things necessary to the end that samples of all the soil divisions and soil types in Alabama are carefully drawn and analyzed and that the soil survey of Alabama, and the necessary re-survey and revision of the soil survey work, are completed and State soil survey maps and reports are printed for distribution.

(5) To meet emergencies that may arise because of any defect in the language or purpose of this Act, the State Board of Agriculture shall have the power to make rules and regulations as will give full force and effect to any or all of its provisions.

Section 5. The State Board of Agriculture, by its presiding officer or any of its or his duly appointed agents, shall have authority to inspect books, and records, and to hear complaints, to administer oaths, to certify to all official acts, and to examine under oath in any part of the State, witnesses in any matter pertaining to its or his duties, and cause such examination to be reduced to writing. If any person who having been sworn by any of the above officers to tell the truth shall willfully give false testimony, he shall be guilty of perjury; provided, also, that except in his report to the State Board of Agriculture, or the report of any of his agents to the commissioner of agriculture and industries, or when called upon to testify in any court or proceeding at law, the presiding officer of the board or any employee or agent thereof or of the commissioner of agriculture and industries, who shall divulge any information acquired by him from the private books, documents, or papers of any person, firm or corporation, while acting or claiming to act under any authorization or designation, in respect to the confidential or private transactions, property or business of any person, firm or corporation, shall be guilty of a misdemeanor and such employee or agent shall be disqualified from acting in any official capacity in the department.

Section 6. The State Board of Agriculture shall have the power to adopt a seal for the authentication of its official acts.

Section 7. The State Board of Agriculture shall submit each year on or before the first day of December, or as early thereafter as practicable, to the Governor an annual report covering all operations of the department of agriculture and industries, and the support, condition, progress and needs of agriculture throughout the State. Such annual report shall be printed in sufficient quantities for general distribution throughout the State, and for the actual exchange courtesies between the State agricultural authorities.

Section 8. It shall be the duty of the State Board of Agriculture to consider the agricultural and industrial needs of the State, and on and with the advice of the commissioner of agriculture and industries, to recommend to the Governor, and to the

Legislature such additional legislation or changes in the existing legislation as may be deemed advisable. Such recommendations may be in the form of prepared bills, and shall be made before the Governor and the Legislature.

ARTICLE 3.

DEPARTMENT OF AGRICULTURE AND INDUSTRIES.

Section 1. A department of the government of the State of Alabama to be known as the Department of Agriculture and Industries is hereby created, with the commissioner of agriculture and industries as the executive officer. For the purpose of administration, the department shall be forthwith organized by the commissioner of agriculture and industries in such manner as, with the advice and counsel of the State Board of Agriculture, shall be deemed necessary to properly segregate and conduct the work of the department. The work of the department shall be organized into five divisions to be known as the division of plant industry, the division of agricultural chemistry, the division of animal industry, the division of markets, and the clerical and records division. The commissioner of agriculture and industries, with the approval of the State Board of Agriculture, may create such subdivisions as may be necessary, and change or abolish the same from time to time with the approval of the said board. So far as consistent with law, the commissioner of agriculture and industries may adopt such rules and regulations as may be necessary, to govern the activities of the department and may assign to each of the officials and employees thereof such duties and labors as he may see fit and he may, from time to time for the betterment of the public service, re-assign to any and all employees under the chief of any division, such duties as he may desire to be performed.

Section 2. Except as otherwise provided by law, each division of the department shall be in charge of a chief. The clerical and records division shall be in charge of an expert accountant, and the chief or director of each division shall be experienced in such subjects as shall pertain to the performance of his duties. The commissioner of agriculture and industries shall, with the counsel and advice or approval of the State Board of Agriculture, appoint and dismiss for cause such chiefs, assistants, deputies, agents, experts and other employees as are necessary for the successful administration of the affairs of the department, prescribe their duties and fix their salaries (payable in monthly installments on the last day of each month), in accordance with classifications made by the State Budget Commission for employees of the State. Said employees shall execute to the State such official bonds as the commissioner of agriculture and industries may

determine and require, unless otherwise expressly provided by law.

Section 3. The commissioner of agriculture and industries, chiefs of divisions, assistants, deputies, agents, experts and other employees shall, on approval by the said commissioner and authorization by the State Board of Agriculture be entitled to receive, in addition to their salaries, their actual necessary traveling expenses when away from their headquarters on State business.

Section 4. As the chief executive officer of the Department of Agriculture and Industries there shall be a commissioner of agriculture and industries, who shall exercise all the rights, privileges, powers and duties granted him under the Constitution, and who shall hold office for a term of four years from the time of installation into office and until his successor is elected and qualified. The commissioner of agriculture and industries shall be a person of good moral character, of recognized executive ability, and trained in the practice and sciences of agriculture. He shall receive such salary as may be fixed in accordance with the law, payable in monthly installments on the last day of the month. Before entering upon the duties of the office he shall take the oath prescribed in the Constitution and shall execute a bond in a surety company authorized to do business in the State for such an amount as may be fixed by the State Board of Agriculture.

Section 5. The commissioner of agriculture and industries shall explain the true intent and meaning of the regulatory laws pertaining to agriculture and of the rules and regulations of the State Board of Agriculture.

Section 6. The commissioner of agriculture and industries shall prepare, or cause to be prepared, an annual report of the State Board of Agriculture, and shall submit on the first day of December, or as early thereafter as practicable, the same to the board for its approval and adoption. He shall also prepare, or cause to be prepared, all other reports which are or may be required of this board.

Section 7. The commissioner of agriculture and industries shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Agriculture such legislative measures as are in his opinion needed for the further development and improvement of agriculture, industries and related subjects.

Section 8. The commissioner of agriculture and industries shall execute the agricultural and industrial policies of the State Board of Agriculture. He shall call and conduct conferences of agricultural and industrial leaders, on matters relating to the condition, need and improvements of agriculture and the indus-

tries of the State. He shall prepare and publish the laws pertaining to agriculture of the State and the rules and regulations of the State Board of Agriculture, and such other pamphlets as will stimulate public interest, and promote the work and development of agriculture and industries.

Section 9. The commissioner of agriculture and industries shall, (a) gather, compile, and publish statistics relating to farm acreage and production in this State and for that purpose he may co-operate with the statistical agency maintained within this State by the United States Department of Agriculture.

(b). He may designate the statistical agent of the United States Department of Agriculture assigned to this State as the official statistician of the Department of Agriculture and Industries of Alabama, who shall serve in such capacity without salary, and may employ an assistant to such statistician and such clerical help in the compilation of such statistics as may be temporarily needed, in the manner prescribed in article 3 of this Act.

(c). The said commissioner shall publish such statistics monthly or otherwise, as deemed advisable, provided, that any periodical publication issued under this section shall be printed as other printing is done for the State; provided, further, that such publication shall be promptly printed at such dates as may be determined and shall be paid for out of the "Agricultural Fund," provided for in this Act. All necessary blanks for gathering statistics under this article shall be provided in like manner as indicated above in this section.

(d). The said commissioner may, with the approval of the State Board of Agriculture, pay out of the said "Agricultural Fund" the travel expenses of the statistician and the assistant statistician incurred in the performance of their official duties.

(e). The said commissioner, if deemed advisable, may have made such surveys of individual farms in this State as may be authorized by the State Board of Agriculture and as may, in the judgment of the official statistician, be necessary to form the basis of dependable estimates of farm production in connection with the ordinary methods of estimate followed by the said statistician. Such surveys shall be made through such persons in the various counties as shall be designated by the commissioner and for such number of farms or premises as he may determine. And the persons making such surveys may be paid therefor in such amounts as may be determined by the State Board of Agriculture: provided, that the total amount expended for such surveys shall not exceed ten thousand dollars in any one year; provided further, that no payments shall be made for such purpose until the data collected shall be received and approved by the statistician. Payments for such service shall be made out of the

"Agricultural Fund" of the department as other payments are made therefrom.

(f). No information gathered or received from any individual under this article shall be used for tax purposes and shall not be disclosed except in aggregate amounts for entire counties.

(g). The commissioner of agriculture and industries shall, from time to time, prepare and submit to the State Board of Agriculture for approval, and when approved, shall publish a treatise of the developed and undeveloped agricultural and industrial resources of the State, including therein illustrative maps, information as to the mines, minerals, forests, soils, and other products; climate, water, and water-powers; mountains, streams, and all such statistics as are best adapted to give proper information of the attractions and advantages which the State has for its people and offers to immigrants, and shall make illustrative expositions thereof, whenever and wherever it is practicable.

For these said purposes, it shall be the duty of the State Geologist, on application, to furnish the commissioner all the information he may have, with reference to the mineral, agricultural, and other natural resources of the State, together with the analysis of soils, ores, marls, minerals, and mineral waters, and with maps, charts, drawing and specimens, illustrative of the geological, agricultural, and mineral features of the State.

Section 10. The commissioner of agriculture and industries, acting under the rules and regulations of the State Board of Agriculture, shall be responsible for the administration of the Department of Agriculture and Industries, and shall have general supervision of all the professional and clerical assistants of the department.

Section 11. The department shall have an official seal. Said seal shall be used for the authentication of the orders and proceedings of the commissioner and for such other purposes as the commissioner may prescribe.

Section 12. The commissioner of agriculture and industries may delegate any of his powers to, or direct any of his duties to be performed by the chief of a division and, except where it is otherwise provided in this Act or the context otherwise requires, may delegate any of such powers to any agent or employee of the department.

Section 13. The attorney general shall be the legal advisor of the Department of Agriculture and Industries in all matters relating to the Department and to the powers and duties of the commissioner of agriculture and industries, his agents and employees. Upon the request of the commissioner of agriculture, the attorney general, under his direction, the circuit solicitor of any county in which the proceedings is brought, shall aid in any investigation, hearing, prosecution or trial had under the laws

which the department is required to administer, and shall institute and prosecute all necessary actions or proceedings for the enforcement of such law and for the punishment of all violations thereof.

ARTICLE 4.

BOARDS ABOLISHED.

Section 1. There is hereby abolished the board provided for by an Act approved February 11, 1911, and known as the Board of Agriculture, the board provided for by chapter 24, Code of 1907, as subsequently amended, and known as the State Board of Horticulture, the board provided for by chapter 22, article 4, Code of 1907, as subsequently amended, and known as the State Livestock Sanitary Board. All powers and duties now vested in and required to be performed by these three said boards are hereby transferred to, and, as amended by this Act, shall be vested in the State Board of Agriculture, as created by section 1 of article 2 of this Act. If there be any unexpended balances of fees or appropriations to the said boards, the same shall be available for and expended by the State Board of Agriculture in carrying out the objects and purposes of such fees and appropriations. Any hearing or other proceeding pending before the said boards or officers whose tenure is so terminated shall not be abated but shall be deemed to be transferred and vested in the State Board of Agriculture and shall through the said board and its executive officer be carried on and determined in accordance with the provisions of law governing such hearing or proceedings.

ARTICLE 5.

FOODS AND DRUGS.

Section 1. The purposes of this article are to prevent the manufacture, possession, sale or delivery of adulterated or misbranded food and drugs, and for other purposes. No person within this State shall manufacture for sale therein, have in possession with intent to sell, offer or expose for sale, sell, or deliver any article of food or drugs which is adulterated or misbranded within the meaning of this article.

Section 2. The word "article," when referring to food or drugs, is used in the broad and comprehensive sense and has reference to the food product or the drug product in question. The term "food" as used herein shall include all articles of food, drink, confectionery, or condiment, whether simple, mixed or compound, used or intended for use by man or domestic animals. The term "drug" as used herein shall include all medicines and preparations recognized in the U. S. Pharmacopoeia or National

Formulary for internal or external use and any substance or mixture of substances to be used for the cure, mitigation or prevention of disease in man or domestic animals. The words "standard of purity or quality" herein used shall refer to and include the standards of purity for food products promulgated and published by the United States Department of Agriculture, except where they conflict with existing statutes of this State, when in such cases the standards provided by the statutes of this State shall govern and be the standards.

Article 3. An article shall be deemed to be adulterated.

A. In the case of food:

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, stained, or otherwise treated in a manner whereby damage or inferiority is concealed, or in a manner whereby the appearance of said article is improved; provided this shall not apply to the precoloring or processing of fruits where such precoloring or processing does not conceal damage or inferiority.

Fifth. If it contain any poisonous or deleterious ingredient which may render such article injurious to health: Provided, that when in the preparation of food products for shipment they are preserved by any external application applied in such a manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering of the package, the provisions of this article shall be construed as applying only when said products are ready for consumption.

Sixth. If it consist in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Seventh. If in the course of its preparation of manufacture an ingredient of inferior food value has been substituted in whole or in part for an ingredient of greater food value.

Eighth. If it does not conform to the standard of purity or quality established for the article.

B. In the case of drugs:

First: If, when a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmaco-

poeia or National Formulary, official at the time of investigation.

Second. If when an article not recognized by the United States Pharmacopoeia or National Formulary, its strength or purity fall below the professed standard or quality under which it is sold.

Section 4. The term "misbranded" as used herein, shall apply to all drugs, or foods, or articles which enter into the composition of food, the package or label of which shall bear or contain any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product ~~which is falsely branded as to the state, territory, or country in~~ which it is manufactured or produced.

That for the purpose of this article an article of food or drugs shall also be deemed to be misbranded.

A. In the case of food:

First. If it be offered for sale under the name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package.

Third. If in package form, the name of the article, together with the quantity of the contents in terms or weight, measure, or numerical count and the name and principal address of the manufacturer or other person responsible for placing the article on the market, be not plainly and conspicuously marked on the outside of the package.

Fourth. If in package form, the package be not filled with the food it purports to contain, within the limits of tolerance fixed by the State Board of Agriculture, irrespective of whether the quantity of the contents be plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count.

Fifth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular.

Sixth. If in bulk, it be colored so as to deceive or mislead the purchaser.

Seventh. If it be offered for sale under false representations.

Eighth. If it be an imitation of another article and it be not marked with the word "imitation," followed without intervening descriptive matter by a list of the ingredients contained therein.

Ninth. If it be a compound for which no standard of purity or quality has been established, it be not labeled with the word

"compound" followed without intervening descriptive matter by a list of the ingredients: Provided, that in the case of a compound which may be now, or from time to time hereafter, known as an article of food under its own distinctive name, and not an imitation of or offered for sale under the name of another article, it shall not be deemed to be misbranded, if the name of the article be accompanied on the same label or brand with a statement of the place where such article was manufactured or produced.

B. In the case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol or any narcotic or habit-forming drug, together with a statement that such drug is narcotic or habit-forming, as the case may be.

Third. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false or fraudulent.

Section 5. It shall be the duty of the State Board of Agriculture, with the assistance of the State Chemist to fix the standards of purity for all food and drug products, in accordance with those promulgated by the secretary of agriculture, the secretary of the treasury, and the secretary of commerce and labor of the United States, when such standards have been published; and when not yet adopted they shall fix such standards.

Section 6. Any person, firm or corporation, violating any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than ten dollars nor more than fifty dollars, or imprisoned in the county jail not exceeding thirty days.

Section 7. No dealer shall be prosecuted under the provisions of this article when he can establish a bona fide guarantee signed by the wholesaler, jobber or manufacturer within the United States, from whom he purchased such articles, that they are not adulterated or misbranded within the meaning of this article, designating it, and that he has no knowledge of such adulteration or misbranding at the time they were purchased. Such guaranty shall contain the name and address of the vendor who shall, if a resident of this State, be amenable to the prosecutions, fines, and other penalties to which the purchaser would otherwise be amenable.

Section 8. The commissioner of agriculture and industries shall enforce or cause to be enforced the provisions of this arti-

cle, and such rules and regulations as are promulgated by the State Board of Agriculture for its prompt and effective enforcement, and shall make or cause to be made all necessary examinations.

Section 9. Samples of articles of foods or drugs drawn by the commissioner of agriculture and industries or his authorized agents shall be sealed by himself or his agents and shall be delivered to the department for analysis. One sample shall be preserved, when practicable, in the laboratory of the department and shall be delivered to the person from whom it was taken or to his agent or attorney upon application. Any person who shall hinder or obstruct any authorized agent of this department by refusing to allow entrance into any place of business for the purpose of carrying out the provisions of this article, or by refusing to deliver samples as herein provided, when same are requested and value tendered, is hereby declared to be guilty of a misdemeanor, and upon conviction shall be fined in the sum of not less than fifty and not more than one hundred dollars.

ARTICLE 6.

DAIRY PRODUCTS, UTENSILS, MEASURING DEVICES AND TESTING APPARATUS.

Section 1. The term "milk," within the meaning of this article, is fresh, clean lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within ten days before and five days after calving, and contains not less than 8.5 per cent of solids not fat, and not less than $3\frac{1}{4}$ per cent of milk fat, and not less than 11.75 per cent of total solids; and that the term "cream," within the meaning of this article, is that portion of milk rich in milk fats, which rises to the surface of milk standing or is separated from it by centrifugal force, is fresh and clean and contains not less than 18 per cent of milk (butter) fat. Butter is the clean, non-rancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass, which contains a small portion of the milk constituents, with or without salt or added coloring matter, and contains not less than 80 per cent of milk fat nor 16 per cent or more of moisture content.

Section 2. No person shall sell any adulterated milk or cream, or any milk or cream having therein any foreign substance or coloring matter, or any chemicals or preservatives, whether for the purpose of increasing the quantity of milk or cream or for improving its appearance, or for the purpose of preserving the condition or sweetness thereof, or for any other purpose whatsoever.

Section 3. No person himself or by his servant or agent shall for the purpose of sale or exchange, add any fat or oil other

than milk fat to, or blend or compound the same with, any milk, cream or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried or desiccated, nor shall any person himself or by his servant or agent sell, any milk, cream or skimmed milk in any of the aforesaid forms to which has been added or with which has been blended or compounded any fat or oil other than milk fat.

Section 4. All premises and utensils used in the handling of milk or cream and the by-products of same, and all premises and utensils used in the preparation, manufacture or sale of any food product, for man, from milk or cream, or by-products of same, which shall be kept in an unclean, filthy or noxious condition are hereby declared to be unsanitary.

Section 5. Any person within the State who receives in cans, bottles, or other vessels any milk or cream, ice cream or other dairy products intended for human food, when such vessels are to be returned, shall cause the said cans, bottles or other vessels to be thoroughly washed and cleaned before returning. The said cans, bottles or other vessels, after being thoroughly washed and cleaned, shall be returned to, or delivered to, the express company or other company, concern or person, for return, within seven days after the receipt of same.

Section 6. It shall be unlawful for any person engaged in the business of handling or selling milk or cream, or by-products of the same, or in the preparation, manufacture, or sale of any food products for man, from milk or cream, or by-products of the same, to maintain his premises or utensils in an unsanitary condition, or to knowingly sell milk or cream drawn from sick or diseased cows, or cows kept in an unsanitary place or cows fed on unwholesome feeds or slops.

Section 7. Every cream station, receiving station, shipping station, creamery, cheese factory, ice cream factory or condensory or any person buying or paying for milk or cream on the basis of the butterfat contained therein, shall be required to procure and have a State license, such license to be issued by the commissioner of agriculture and industries upon the applicant therefor complying with the rules and regulations, adopted by the State Board of Agriculture, and upon the payment of a license fee of one dollar. The license so issued, unless it be revoked, shall be valid until the next succeeding January 1. Any license issued under the provisions of this section may be, with the approval of the State Board of Agriculture, revoked by the commissioner of agriculture and industries upon proof being made, or submitted, to the commissioner of agriculture and industries, that the licensee's plant or premises is in an unsanitary condition, after five days' notice being given in writing to the licensee thereof, by the commissioner of agriculture and industries, or by

his duly authorized agent, or after such notice having been given the agent of licensee in charge of such place or premises; or such license may be revoked by the commissioner of agriculture and industries for the repeated non-observance by the licensee of any of the provisions of this article.

If, after the revocation of a license, the former holder of such license shall comply with the requirements of the provisions of this article, and shall make manifest his intention to observe them in the future, the commissioner of agriculture and industries with the approval of the State Board of Agriculture must ~~issue to him another license upon his paying the requisite fee therefor.~~

Section 8. It shall be unlawful for any person to operate a milk or cream testing apparatus to determine the percentage of milk fat in milk or cream for the purpose of purchasing same, either for himself or another, without first securing a license from the commissioner of agriculture and industries, who shall issue such license upon a form prepared by him, upon payment of a fee of one dollar, for a period of twelve months; provided the applicant for license shall pass a satisfactory personal examination that shall satisfy said commissioner that he is competent and qualified to operate and use such apparatus and make an accurate test with same which license may be revoked by the commissioner when it shall be shown that such licensed person is incompetent or unreliable. Any person making application for tester's license may be issued a permit by the commissioner to do testing until such time as a personal examination can be given by the commissioner or his duly authorized agent. The testing of each lot of milk or cream by any unlicensed person shall constitute a separate offense under this article; provided, that any licensed person may for a valid reason satisfactory to said commissioner, appoint a substitute for a period not to exceed fifteen days, and subject to the approval of said commissioner.

Section 9. It shall be unlawful for any person, either for himself or another to falsely manipulate or under-read or over-read or take inaccurate samples or take any false determinations by Babcock test or any other contrivance used to determine the quantity of fat in milk or cream or value of milk or cream delivered to a creamery, cheese factory, condensory, ice cream plant, milk plant, or milk depot, or when sold or purchased. The test shall be clear oil, free from sediment, solids, or other foreign substance, and must be read at a temperature of 125 degrees—140 degrees F. Cream tests must be weighed. The scales must be sensitive and accurate. The tester and owner or owners are jointly responsible for their accuracy. All licensed receiving station, conducted for the purchase of butter fat either in the form of cream or milk, shall retain in a cool, clean sanitary place,

and in tightly stopped bottles, or tightly covered jars the exact, properly labeled samples of cream or milk from which the butterfat test has been conducted, until 4 P. M. of the day following the application of the test where daily testing is practiced, and until 4 P. M. of the second day following the application of the test where composite testing of individual deliveries is practiced.

Section 10. For the purposes of this article, ice cream is hereby defined and standardized:

1st. Ice cream is the frozen compound, varied as to kind and proportion of ingredients, within the limit established by custom and usage.

2nd. Ice cream consists chiefly of a sweetened and flavored mixture of cream, or milk and cream, or milk with or without added milk fat in the form of sound sweet butter, or as contained in condensed, evaporated or concentrated milk or in milk powder and with or without added milk solids not fat and in the form of skimmed milk powder or as contained in milk powder or in condensed, evaporated or concentrated skimmed milk or of sweetened and flavored homogenized or emulsified mixture of sound sweet butter, milk powder, or skimmed milk powder and water, with the addition of gelatine, vegetable gums or other wholesome stabilizer.

3rd. Standard ice cream contains not less than eight per cent butter fat and the total content of solids shall be not less than thirty-one per cent except that when the ingredients of standard ice cream include eggs, fruit, or fruit juices, cake, confection cocoa, or chocolate or nuts, such reduction of the percentage of butter fat as may be due to the addition of such ingredients shall be allowed, provided such milk fat content is not less than six per cent.

For the purpose of this article, ice cream shall be deemed to be adulterated:

1st. If in quantity or grade it is lower than the professed standard of quality or grade under which it is sold or offered for sale.

2nd. If it contains any poisonous or other deleterious ingredients which may render such ice cream injurious to health.

3rd. If it contains any rancid or renovated or process butter or any fat or oil other than milk fat and the fat or oil of contained eggs and nuts, and the fat or oils of substances used for flavoring.

4th. If it contains in whole or in part any filthy or decomposed substances which may render such ice cream injurious to health.

5th. If it contains less weight per unit volume than the standards promulgated from time to time by the State Board of Agriculture.

For the purpose of this article ice cream shall be deemed to be misbranded:

1st. If the label, brand, tag or notice under which it is sold is false or misleading in any particular as to the kind, grade or quality, or composition of such ice cream.

2nd. If it is sold as the product of one manufacturer when in reality it is the product of another manufacturer; or if on the label, brand, tag or notice under which it is sold there is any false statement concerning the sanitary conditions under which it is manufactured.

Section 11. No person shall hereafter, without the consent of the owner, use, sell, dispose of, buy or traffic in, any milk can, jar or bottle, or cream can, jar or bottle, or tub or willfully mar, erase or change by re-marking or otherwise any name or initials of any such owner so stamped, marked or fastened upon such can, jar, bottle or tub; nor shall any person, without the consent of the owner, place in any can, jar, or bottle or tub, any substance or product other than milk or cream.

Section 12. Whenever any person receives or purchases milk or cream upon the basis of the amount of milk fat contained therein, and used for ascertaining the amount of such fat, the system or test known as the Babcock test, the bottles and pipettes used in such test shall conform to the standard specifications promulgated by the State Board of Agriculture. All bottles and pipettes used in measuring milk or milk products for making determination of the per cent of fat in said milk or milk products, shall have clearly blown or otherwise permanently marked in the side of the bottle or pipette the word "sealed," and in the side of the pipette or the side or the bottom of the bottle, the name, initials, or trademark of the manufacturer and his designating number, which designating number shall be furnished by the commissioner of agriculture and industries upon application by the manufacturer and upon the filing by the manufacturer of a bond in the sum of one thousand dollars, with the sureties to be approved by said commissioner, conditioned upon conformance with the requirements of this section. A record of the bonds furnished, the designating number and to whom furnished shall be kept in the office of said commissioner. Any manufacturer who sells Babcock or other milk, cream, or butter test bottles or pipettes, to be used in this State, that do not comply with the provisions of this section, shall suffer a penalty of five hundred dollars, to be recovered by the attorney general of the State in action in the name of the State upon the bond of such manufacturer. No person, shall use, for the purpose of determining the per cent of milk fat in milk or milk products, any bottles or pipettes purchased after six months from the date

on which this article shall take effect, unless they comply with the provisions of this section relating thereto.

The commissioner of agriculture and industries shall make or cause to be made, from time to time, tests of individual bottles and pipettes used by the various firms in this State in order to ascertain whether the above provisions are being complied with, and shall report any violations found to the prosecuting attorney.

Section 13. Creameries, ice cream plants (milk plants and cream and milk stations, when buying cream, or milk for plants operating outside this State), shall report annually on or before the first day of December of each year the amount of milk or cream, or both, purchased during the preceding year, ending November first, with the amount of fat in the milk or cream, or both, and the total price paid for same, according to and on blanks furnished by said commissioner of agriculture and industries.

Section 14. The State board of agriculture shall make such reasonable rules and regulations as may be deemed necessary for the protection and development of all dairy interests in Alabama; provided, that such rules and regulations shall not go into effect until after all State dairying (creamery, ice cream, etc.) associations have been given due notice and a reasonable time and opportunity to be heard before the said board on them, and provided that such rules and regulations shall not invade the domain of public health laws or ordinances nor restrict the powers of the State Board of Health, nor local boards of health.

Section 15. Any person violating any provisions of this article shall be guilty of a misdemeanor, and, on conviction shall, unless otherwise provided, be fined not more than fifty dollars for each offense, and may be confined in the county jail for not more than thirty days.

ARTICLE 7.

IMITATION BUTTER, IMITATION CHEESE AND RENOVATED BUTTER.

Section 1. Every article, substitute or compound, save that produced from pure milk or cream from milk cows, made in the semblance of or design to be used for and in the place of butter is, imitation butter; and every article, substitute or compound, save that produced from pure milk or cream from milk of cows, made in the semblance of or design to be used for and in the place of cheese, is imitation cheese. No person shall manufacture, sell, solicit or take orders for delivery, ship, consign or forward by any common carrier, public or private, and no common carrier shall knowingly receive or transport, any such imitation

butter or cheese except in the manner and subject to the regulations provided in this article.

Section 2. A substitute for butter and cheese, not having a yellow color nor colored in imitation of butter and cheese as prohibited in this article, may be manufactured, sold, shipped, consigned or forwarded by common carriers, public or private, if each tub, firkin, box or other package in which the same is kept, sold, shipped, consigned or forwarded shall have branded, stamped or marked on the side or top thereof in the English language in a durable manner the words "substitute for butter" or "substitute for cheese," as the case may be, the letters of the words to be not less than one inch in length by one-half inch in width. The defacing, erasure, cancelling or removal of this brand or mark with intent to mislead, deceive, or violate any section of this article is prohibited.

Substitute for butter or cheese may be kept, used or served as a food or for cooking in hotels, restaurants, lunch counters, boarding houses, or other places of public entertainment, only in case the proprietor or persons in charge of such place shall display and keep constantly posted a card opposite each table or other place where the guests or others are served with the same, which card shall be white, at least ten by fourteen inches in size, the words "substitute for butter used here" or "substitute for cheese used here," as the case may be, printed in black Roman letters of the same size as herein required to be placed upon the tubs, firkins, boxes, or other packages in which substitute for butter or cheese is kept, and no other words or figures shall be printed thereon. No substitute for butter or cheese shall be offered for sale in the manufacturers' original package under the name of or for true butter or cheese made from the milk or cream of cows, nor shall any substitute for butter or cheese be offered for sale or sold unless the purchaser at the time was informed thereof, and, in addition, furnished with a printed statement in the English language in prominent type that the substance sold is such substitute, and giving the name and place of business of the maker. Nothing herein contained, however, shall be so constructed as to prohibit the transportation of imitation butter or cheese through and across the State.

Section 3. No person shall have in his possession or under his control any substance designed as a substitute for butter or cheese, unless the tub, firkin, box or package holding the same is branded or marked as required in this article. No person shall use in any way, in connection or association with the sale or exposure for sale or advertisement of any substance designed to be used as a substitute for butter, the word "butter," "creamery," or "dairy" or the name or representation of any breed of dairy cattle, or any combination of such word or words and rep-

resentations, or any other words or symbols or combination thereof commonly used in the sale of butter.

Section 4. No person shall sell, in this State any butter that is produced by taking original packing stock butter, or other butter, or both, and melting the same so that the butter fat can be drawn off or extracted, then mixing the said butter fat with skimmed milk, or milk, or cream, or other milk product, and re-churning or re-working the said mixture or that produced by any process that is commonly known as boiled, process or renovated butter, unless the words "renovated butter" shall be plainly branded with Gothic or bold faced letters at least three-fourths of an inch in length on the top and sides of each tub, or box, or pail, or other kind of case, or package, or on the wrapper of prints or rowls in which it is put up. If such butter is exposed for sale uncovered or not in a case or package, a placard containing the labels so printed shall be attached to the mass of butter in such manner as to easily be seen and read by the purchaser. The branding or marking of all packages shall be in the English language, and in a conspicuous place so as to be easily seen and read by the purchaser.

Section 5. The commissioner of agriculture and industries and his duly authorized agents shall be charged with the proper enforcement of all the provisions of this article, and any necessary rules and regulations adopted by the State Board of Agriculture.

Section 6. Any person who violates any provisions of this article shall be deemed guilty of a misdemeanor and shall for each offense, upon conviction thereof, be subject to a fine of not less than fifty dollars, nor more than one hundred dollars or of imprisonment in the county jail for any period not to exceed six months.

ARTICLE 8.

SAUSAGE.

Section 1. It shall be unlawful for any person to sell sausage that is adulterated within the meaning of this article. Sausage when used in this article shall be deemed to include Bologna, Wienewurst, and Frankforts.

Section 2. For the purpose of this article, sausage or sausage meat shall be held to be comminuted meat from meat of cattle or swine, or a mixture of such meats, either fresh, salted, pickled or smoked, with added salt and spices, and with or without the addition of edible animal fat, blood and sugar, or subsequent smoking. It shall contain no larger amount of water than the meats from which it is prepared contain when in their fresh condition.

Section 3. For the purpose of this article sausage shall be deemed to be adulterated:

First, If it contains added water in excess of the quantity required to bring the amount up to that which the meats from which it is prepared contain immediately after slaughter.

Second, If it contains any cereal or vegetable flour.

Third, If it contain any coal-tar, dye, boric acid or borates, sulphites, sulphur dioxide, sulphurous acid, or any other substances injurious or deleterious to health.

Fourth, If it contains any diseased, contaminated, filthy or decomposed substance; or is manufactured, in whole or in part, from a diseased, contaminated, filthy or decomposed substance, or a substance produced, stored, transported or kept in a way or manner that would render the article diseased, contaminated or unwholesome; or if it is any product of a diseased animal, or the product of any animal which has died otherwise than by slaughter. Nothing in this article shall be construed prohibiting the sale of sausage which when properly labeled shall conform to the following standard: Sausage shall not contain cereal in excess of two per cent. When cereal is added its presence shall be noted on the label or on the product. That water or ice shall not be added to it except for the purpose of facilitating grinding, chopping and mixing, in which case the added water or ice shall not exceed three per cent except as provided in the following paragraph. Sausage of the class which are cooked or smoked, such as Frankfort style, Vienna style and Bologna style, may contain added water in excess of three per cent, but not in excess of amount sufficient to make the sausage palatable. When water in excess of three per cent is added to this class of sausage, the statement "sausage, water and cereal" shall appear on the label or on the product, but when no cereal is added, the addition of water need not be stated.

Section 4. Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than fifty dollars, nor more than two hundred dollars, or to undergo an imprisonment of not less than thirty days, nor more than sixty days, or both or either, in the discretion of the court.

Section 5. The commissioner of agriculture and industries shall be charged with the enforcement of the provisions of this article, and with the execution of any necessary regulations adopted by the State Board of Agriculture for its enforcement.

ARTICLE 9.

VINEGAR.

Section 1. All vinegar made by fermentation without distillation must carry in solution the extractive matter derived

exclusively from the fruit, grain, sugar or sirup from which it was derived and fermented, and comply with the following definitions:

The terms "cider vinegar" and "apple vinegar" or words of similar import, shall be construed to mean the product made exclusively from the expressed juice of apples by alcoholic and subsequent acetous fermentations.

The terms "wine vinegar" and "grape vinegar" or words of similar import, shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations of the expressed juice of grapes.

The terms "malt vinegar" or words of similar import, shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations without distillation of an infusion of barley malt or cereals whose starch has been converted by malt.

The term "sugar vinegar" or words of similar import shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations without distillation of solution of sugar, sirup, molasses or refiners' sirup.

The term "glucose vinegar" or "corn sugar vinegar" or words of similar import, shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations without distillation of solutions of corn sugar or glucose prepared from corn starch.

The term "spirit vinegar," "distilled vinegar" or "grain vinegar" or words of similar import, shall be construed to mean the product made by the acetous fermentation of dilute distilled alcohol derived from grain.

The term "evaporated apple products vinegar" or "vinegar made from evaporated apple products" or words of similar import, shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations of the aqueous extract obtained from clean, sound, unfermented dried chopped apples or dried apple skins or cores.

Section 2. Vinegar which fails to comply with such definitions or which contains any substance or ingredient not derived exclusively from the fruit, grain, sugar or sirup from which it shall so be made, or which contains less than four grams of acetic acid in one hundred cubic centimeters of the vinegar at twenty degrees centigrade, shall be deemed adulterated.

Section 3. The product made by the destructive distillation of wood known as pyroligneous acid, or acetic acid derived from other sources than fruit, grain, sugar or sirups, shall not be sold as vinegar or in any mixture of vinegars or compound vinegar.

Section 4. Mixtures of two or more of the foregoing vinegars are "compounds" and packages containing the same shall be

plainly marked with the word "compound" together with the proportions of the vinegar so mixed, in addition to the other requirements hereof. No such compound shall be made in imitation of any other kind of vinegar or be sold in Alabama.

Section 5. Packages containing vinegar which has been reduced with water must be plainly marked "Reduced to.....per cent acid strength," indicating the acidity to which it has been reduced.

Section 6. Every manufacturer, producer or distributor of vinegar shall plainly mark each cask, barrel or other container of such vinegar with his name and place of business, the kind of vinegar therein contained, in the terms above defined, and no person shall falsely mark any package containing any vinegar so defined with any other brand or designation or with any additional words, marks or description which shall be false or deceptive in any particular whatever. Every person who sells any vinegar, except it be delivered to the purchaser in the unbroken package of the manufacturer or distributor shall plainly and conspicuously mark the receptacle or container in which such vinegar is delivered to the purchaser, whether such receptacle or container be furnished by the seller or purchaser, with the kind of vinegar so delivered.

Section 7. No person shall manufacture, or sell, in this State:

1. Any vinegar so defined which does not comply with such definitions.

2. Any adulterated or misbranded vinegar.

3. Any vinegar or product in imitation of any vinegar so defined.

4. Any vinegar to which any artificial coloring matter has been added of any kind whatever, or which contains any substance or ingredient not derived directly from the fruit, grain, sugar or sirup from which it purports to have been made.

Section 8. The commissioner of agriculture and industries shall enforce the provisions of this article. He shall also sample or cause to be sampled vinegars, sold in Alabama, under appropriate rules and regulations adopted by the State Board of Agriculture.

Section 9. Violation of this article shall be a misdemeanor and punished by a fine of not less than \$100, nor more than \$500 for the first offense, and not less than \$500 nor more than \$1,000 for all subsequent offenses.

ARTICLE 10.

EGGS.

Section 1. No person shall sell any egg unfit for human food, unless the same is broken in shell and then denatured so that it

cannot be used for human food. For the purposes of this article, an egg shall be deemed unfit for human food if it be addled or moldy, a black rot, a white rot, or a blood ring, or if it has an adherent yolk, or a bloody or green white; or if it be incubated beyond the blood ring stage; or if it consists in whole or in part of a filthy, decomposed or putrid substance.

Section 2. No person shall, in buying or selling eggs, take or give a greater or less dockage for eggs unfit for food as defined in section one of this article than the actual dockage which has been determined by the careful candling of the eggs so purchased or sold, and he shall keep such candling records as may be required by the rules and regulations of the State Board of Agriculture. All such records shall be open at all reasonable times for examination by the commissioner of agriculture and industries or his agent. Every person engaged in the business of buying eggs in this State for re-sale or consignment shall provide and maintain an adequate place for the accurate candling of eggs and a suitable place for the proper handling of eggs which are intended to be used for human food.

Section 3. There shall be placed in the top layer of every case of candled eggs, by the person candling same, a candling certificate. Such candling certificate shall be printed on cards or sheets of paper not smaller in size than $2\frac{3}{8} \times 4\frac{1}{4}$ inches, and shall give the date of candling the eggs contained in the case in which it is placed, the name, initials or number of the person candling the eggs, and the name of the state and the license number of the persons, firm or corporation for which the eggs were candled. Such certificate shall be in the following words and form:

The eggs in this case were candled.....

(Date)

By

(Signature of person candling the eggs)

License No. Ala.

(Address)

Section 4. The legal weight standard of eggs in the State of Alabama shall be as follows: EXTRAS; No. 1; No. 2; and No. 3.

Extras must weigh over 26 ounces per dozen net.

No. 1 must weigh 24x26 ounces per dozen net.

No. 2 must weigh 20-24 ounces per dozen net.

No. 3 Those eggs that weigh less than 20 ounces per dozen net.

When eggs are sold on the basis of the legal weight standard, the retail price will be quoted as of grade No. 1. If other than grade No. 1, proper adjustment must be made.

Section 5. Definition of terms. Unless the context other requires, words and phrases employed in this Article shall have the meaning hereinafter defined.

(a) The term "eggs" or "fresh eggs" shall be used only for eggs that are sound, sweet, clear and full (not more than two and five-tenths milligrams of ammonia per one hundred grams of eggs), and which have not been held for more than fourteen days after having been dropped from the hen.

(b) The term "cold storage eggs" shall be used on all eggs which have been held in cold storage for a period exceeding thirty days. They shall be sound, sweet, clean and reasonably full, and shall contain not to exceed four milligrams of ammonia per one hundred grams of egg.

(c) "Preserved" eggs mean all eggs in which the natural deterioration has been prevented or retarded by any means, process or treatment whatsoever.

(d) "Yolk stuck to the shell" means an egg in which the yolk has settled to one side and become fastened to the shell.

(e) "Heavy blood rings" means an egg in which the germ has developed to such an extent that blood has formed, and when this development stops the blood collects in a ring on the inside of the shell.

(f) "Partly hatched" eggs means eggs in which the germ has developed to such an extent that the outline of the embryo chick can be detected.

(g) "Moldy" eggs mean eggs which through improper care have deteriorated so that mold spores have formed within the eggs. Such eggs when broken usually have a moldy or musty smell.

(h) "Black spots" mean eggs in which mold or bacteria have developed in isolated areas inside the shell.

(i) "Black rots" means eggs which have deteriorated to such an extent that the whole interior presents a darkened appearance.

(j) "A container" means any standard egg case, carton, can, basket, box, bag or any other receptacle in which eggs are handled.

(k) The term "candle" means the determination of the condition of any egg by holding it before a strong light in such a way that the rays of light will shine through the egg and reveal its contents to the operator.

Section 6. Cold storage and preserved eggs. No person, firm or corporation, by himself or his agents, shall sell, agree to sell, or advertise for sale any cold storage or preserved eggs without making it known to the purchaser, or prospective purchaser, that the eggs are cold storage or preserved eggs, and all boxes or other receptacles in which cold storage or preserved eggs are displayed for sale, sold, or delivered, in wholesale or retail, shall be marked or lettered in a conspicuous manner with the words "cold storage eggs" or "preserved eggs."

Section 7. For the purpose of enforcing the provisions of this article, it is hereby required that thirty days after this article takes effect, and on or before the first day of April annually thereafter, no person shall engage in the business of buying, selling, dealing in or trading in eggs, except those retailers who buy direct from licensees only and who do not sell in lots greater than one case, without first obtaining from the commissioner of agriculture and industries, license to conduct such business. Said commissioner, upon receipt of a proper application upon forms such as he may prescribe, accompanied by an annual license of \$1.00, shall thereupon issue to such person an annual license to engage in such business. Provided, that any person operating more than one place of business where eggs are bought, shall procure a license for each such place of business. All such licenses shall expire at the close of business on March 31 of each year.

Section 8. The commissioner of agriculture and industries shall enforce the provisions of this article and all suitable standards, definitions, rules and regulations for carrying out its provisions as are adopted by the State Board of Agriculture. He shall determine the conditions under which eggs previously candled shall be recandled before sale, in order to safeguard the purchaser against buying such eggs as are unfit for human food, which may be contained in such lot.

Section 9. Any person failing to comply with the requirements of, or violating any of the provisions of this article, shall be guilty of a misdemeanor, and shall, upon conviction for the first offense, be fined not less than \$10.00 nor more than \$50.00. For any subsequent offense his license may be suspended or revoked, at the discretion of the commissioner of agriculture and industries. Should any person be convicted of buying or trading in eggs during the time of the suspension of his license as specified in a written order by said commissioner or his agent or after the date on which his license was ordered to be revoked, the offender shall be punished by a fine of one hundred dollars for each offense.

ARTICLE 11.

CORN MEAL.

Section 1. Any miller, or person, shall be guilty of a misdemeanor who manufactures, grinds, or re-packs corn meal, or who conducts a merchant mill, to pack or cause to be packed, or be offered for sale to merchants or the general public, or to carry in stock with intent to sell, corn meal, bolted or unbolted, packed in any other than six pounds, twelve pounds, twenty-four pounds, forty-eight pound, and ninety-six pound sacks, or ninety-six pound barrels, and one hundred and ninety-six pound barrels,

wood; or shall fail to have plainly printed or stenciled upon them "bolted meal," or "unbolted meal," steam or water ground, as the case may be, as indicating the kind of power used in the mill producing the same, "eighth bushel," "fourth bushel," or "peck," "half bushel," "one bushel," "two bushels," and the barrel and half barrel, or who shall fail to show the net weight in pounds.

Section 2. Any merchant, dealer, vendor, hawker, or other person, who sells any corn, meal, bolted or unbolted, in any other than six pounds, twelve pounds, twenty-four pounds, forty-eight pounds, and ninety-six pound sacks, or ninety-six pound half barrels, and one hundred and ninety-six pound barrels, wood, shall be guilty of a misdemeanor; provided any retail merchant may, on order, weigh and sell, from bulk meal, any number of pounds desired by any individual customer.

Section 3. Any person, convicted under either of the two preceding sections, shall be fined not less than fifty nor more than one hundred dollars for the first offense, but on the second conviction shall be fined not less than one hundred nor more than five hundred dollars, one-fourth of said fine in either instance shall be paid to the informer furnishing proof leading to a conviction, out of the county treasury, after the payment of such fine upon the order of the solicitor prosecuting the case.

Section 4. The commissioner of agriculture and industries shall cause to be made from time to time such investigations as may be necessary to determine whether the provisions of this article have been complied with. If it shall appear from such investigations that any provision of this article have been violated, he shall certify the facts to the solicitor in the county or district in which the violation was committed and furnish that officer with the facts in the case.

Section 5. Should during the operation of this article, a national decimal weight bill or other bill be passed by Congress, authorizing the sale in interstate commerce of corn meal in packages or bags differing in weight and branding from the weights and branding prescribed in sections 1 and 2 of this article, the weights and branding described in the national bill for interstate commerce may for the sake of uniformity become operative in the intrastate trade of Alabama, in lieu of the weights and branding herein prescribed in sections one and two; provided that the commissioner of agriculture and industries issue and give publicity to this effect.

ARTICLE 12.

MILLS AND MILLERS.

Section 1. The owners and keepers of public mills, and their employees, must grind the grain brought to their mills in rota-

tion, as it is received, and as well as the condition of the mill and water or other power will permit; and may take and receive toll one-eighth of the grain, and no more, but nothing in this section is to be construed as to prevent the owner of any mill from grinding his own grain at any time.

Section 2. All grist mills and other mills which grind for toll, are public mills, within the meaning of this article.

ARTICLE 13.

BEES AND HONEY.

Section 1. All honey bees shipped or moved into the State of Alabama shall be accompanied by a certificate of inspection signed by the proper official of the state from which shipment is made, certifying that said bees and their combs and hives have been inspected by said official, and that said bees, their combs and hives, are apparently free from contagious and infectious disease, and same must be based upon an actual inspection of the bees themselves within a period of sixty days preceding date of shipment, and said certificate shall be attached to each parcel of each shipment, in a conspicuous place, plainly written; provided that when honey bees are shipped into this State from other states or countries where no official inspector is available, the commissioner of agriculture and industries may issue a permit for bees free from disease; and provided, further, that the provisions of this section shall not apply to shipments of live bees in wire cages without combs or honey.

Section 2. The State Board of Agriculture shall have full and plenary power to deal with American and European foul breed, Isle of Wight disease, and all other contagious and infectious diseases of honey bees which in their opinion, may be prevented, controlled or eradicated; and to do and perform all such acts through the commissioner of agriculture and industries, his agent or employee, and otherwise, as in their judgment may be necessary, to control, eradicate or prevent the introduction, spread or dissemination of any and all contagious diseases of honey bees, as far as may be possible, and all such rules and regulations shall have the force and effect of law.

Section 3. The commissioner of agriculture and industries, his agents or employees, shall have authority to enter any depot, express office, store room, ware room, warehouse, or other premises, for the purpose of inspecting honey bees or beekeeping fixtures or appliances therein, or thought to be therein, for the purpose of ascertaining whether said bees or fixtures or appliances are infected with any contagious or infectious disease, or which they have reason to believe have been or are being transported in violation of any of the provisions of this article. And

said commissioner, as the executive officer of the State Board of Agriculture, may require the removal from this State, or the destruction, treatment, or other disposition of, any honey bees or beekeeping fixtures or appliances which have been brought into the State in violation of the provisions of this article, or, if finding any honey bees or fixtures infected with any contagious or infectious diseases, or, if finding that such bees or fixtures have been exposed to danger of infection by such diseases, may require the destruction, treatment or disinfection of such infected or exposed bees, hives, fixtures or appliances.

Section 4. It shall be the duty of the commissioner of agriculture and industries of this State, to inspect or cause to be inspected shipments of bees, combs and hives from this State going into other states or countries requiring certification of such bees, and if found free from contagious and infectious diseases to certify said shipments.

Section 5. Any person, firm or corporation violating any of the provisions of this article, or any of the rules and regulations promulgated by the State Board of Agriculture shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than \$500.00, or punished by imprisonment for not more than six months in the county jail.

ARTICLE 14.

AGRICULTURAL SEEDS.

Section 1. That the term "agricultural seeds" or "agricultural seed," as used in this article, shall be defined as the seeds of Canada bluegrass, Kentucky bluegrass, grome grass, fescues, millets, tall meadow oat grass, orchard grass, red top, Italian rye grass, perennial rye grass, kaffir corn, sorghum or cane, Sudan grass, timothy, alfalfa, alsike clover, crimson clover, mammoth or sapling clover, red clover, sweet clover, white clover, bur clovers, Canada field peas, cow peas, soy beans, velvet beans, vetches and other grasses and forage plants, buckwheat, flax, rape, barley, field corn, oats, rye, wheat and other cereals, which are sold within the State of Alabama for seeding purposes within this State.

Section 2. Every lot of agricultural seeds, as defined in section 1, except as herein otherwise provided, when in bulk, packages or other containers of five pounds or more, shall have affixed thereto, in a conspicuous place on the exterior of the container of such agricultural seeds, a plainly written or printed tag or label in the English language; provided, however, that no tag or label shall be required, unless requested, on seeds when sold directly to, and in the presence of the consumer and taken from container properly labeled in accordance with the provisions of

this article; and further provided, that this shall in no way exempt the vendor from the analysis given on the bag or label attached to any container, stating:

A. The commonly accepted name of such agricultural seeds and the bushel weight thereof.

B. The approximate percentage by weight of purity; meaning the freedom of such agricultural seeds from inert matter, and from other seeds distinguishable by their appearance.

C. The approximate total percentage by weight of weed seeds, the term "weed seeds," as herein used, being defined as the seeds of the noxious weeds listed in Section 2D below, and all seeds not listed in section 1 as agricultural seeds.

D. The name of each kind of the seeds, bulblets or tubers of the following named noxious weeds which seeds, bulblets or tubers or present, singly or collectively, as follows: (1) In excess of one seed, bulblet or tuber in each five grams of timothy, red top, tall meadow oatgrass, orchard grass, crested dogtail, Canada bluegrass, Kentucky bluegrass, fescues, brome grass, perennial and Italian ryegrass, western ryegrass, crimson clover, mammoth clover, red clover, white clover, alsike clover, sweet clover, alfalfa, unhulled bur clovers, and all other grasses and clovers not otherwise classified; (2) one in twenty-five grams of millets, rape, flax, and other seeds not specified in (1) or (3) of this subsection; (3) one in one hundred grams of wheat, oats, rye, barley, buckwheat, vetches, and other seeds as large or larger than wheat.

For the purposes of this article, the following shall be defined as noxious weeds: Garlic or wild onion (*Allium vineale*) Bermuda grass (*Cynodon dactylon*), quack grass (*Agropyron repens*), dodder (*Cuscuta* species), Johnson grass (*Sorghum halepense*), nut grass (*Cyperus rotundus*), Canada thistle (*Cirsium arvenae*), Hawkweed (*Hieracium* species), corn cockle (*Hychnis githago*) and chicory (*Cichorium Intybus*).

E. The approximate percentage of germination of such agricultural seeds, together with the month and year said seed was tested; provided, however, that this statement shall not be a basis for prosecution under this article; and provided further that the commissioner of agriculture and industries shall be empowered to test and publish the results of such tests as herein provided, together with the month and year such test was made by said commissioner, together with the percentage of germination and date of test as shown on tag or label.

F. The full name and address of the person assuming the responsibility, under the conditions of this article, for the information placed on the tags, or labels, as required by this section.

Section 3. Mixtures of alsike and timothy, alsike and white clover, red top, and timothy, alsike and red clover, when sold as

mixtures, and in lots of five (5) pounds or more shall have affixed thereto, in a conspicuous place on the exterior of the container of such mixture of seeds, a plainly written or printed tag or label in the English language, stating:

A. That such seed is a mixture.

B. The name and approximate percentage by weight of each kind of agricultural seed present in such mixture in excess of five (5) per cent by weight of the total mixture.

C. The approximate percentage by weight of weed seeds as defined in section 2-C of this article.

D. The name of each kind of the seeds, bulblets or tubers of the noxious weeds listed in section 2-D of this article, which seeds, bulblets or tubers are present singly or collectively in excess of one seed, bulblet, or tuber in each fifteen (15) grams of such mixture.

E. The approximate percentage of germination of each kind of agricultural seed present in such mixture in excess of five (5) per cent by weight, together with the month and year said seed was tested; provided, however, that this statement shall not be a basis for prosecution under this article; and provided further that the commissioner of agriculture and industries shall be empowered to test and publish the results of such tests as herein provided, together with the month and year such test was made by said commissioner, together with the percentage of germination and date of test as shown on tag or label.

F. The full name and address of the person assuming the responsibility, under the conditions of this article, for the information placed on the tags and labels required by this section.

Section 4. Special mixtures of agricultural seeds, except as specified in section 3 of this article, when sold as mixtures in bulk, packages or other containers of eight ounces or more shall have affixed thereto in a conspicuous place on the exterior of the container of such mixture a plainly written or printed tag or label in the English language; provided, however, that no tag or label shall be required, unless requested, on seeds when sold directly to and in the presence of the consumer and taken from container properly labeled in accordance with the provisions of this article; and further provided, that this shall in no way exempt the vendor from the analysis given on the bag or label attached to any container, stating:

A. That such seed is a mixture.

B. The name of each kind of agricultural seed which is present in proportion of five (5) per cent or more of the total mixture.

C. The approximate total percentage by weight of weed seeds as defined in section 2-C of this article.

D. The approximate percentage by weight of inert matter.

E. The name of each kind of the seeds, bulblets, or tubers of the noxious weeds listed in 2-D, which are present, singly or collectively, in excess of one seed, bulblet, or tuber, in each fifteen (15) grams of such mixture.

F. The full name and address of the person assuming the responsibility under the conditions of this article, for the information placed on the tags or labels as required by this section.

Section 5. Agricultural seeds or mixtures of same shall be exempt from the provisions of this article.

A. When sold to merchants to be recleaned before being sold or exposed for sale for seeding purposes.

B. When in store for the purpose of recleaning or not possessed, sold or offered for sale for seeding purposes within the State of Alabama.

C. When sold by one farmer to another, provided that if such seed is advertised for sale and is delivered through a common carrier then the seller shall be deemed to be a vendor and said seed and seller shall be subject to all of the requirements of this article.

Section 6. In case a sample of seed, drawn as provided for in this article, upon test or analysis is found to fall, in excess of the allowance for variation made by the commissioner of agriculture and industries, below the statement on the tag or label attached to the lot from which the sample was drawn, or to violate any of the provisions of this article, the vendor or consignee of said lot of seed shall be notified and a copy of said notice mailed to the person whose tag or label was found affixed thereto.

Section 7. It shall be unlawful for any person to sell within this State any agricultural seeds or mixtures of agricultural seeds, as defined in this article, for seeding purposes within this State without complying with the requirements of this article, or falsely to mark or label any agricultural seeds, or to interfere in any way with the commissioner of agriculture and industries in the discharge of his duties herein named and as required elsewhere in this article.

Section 8. When any lot of agricultural seed or mixture of agricultural seeds is sold as free of weed seeds, this article shall be deemed to be violated unless proper indication of such freedom is given on the tags or labels attached to such seed.

Section 9. Any citizen of Alabama shall have the privilege of submitting to the commissioner of agriculture and industries samples of agricultural seeds for test and analysis, subject to such rules and regulations as may be promulgated by the State Board of Agriculture; provided that said board of agriculture may by such regulations fix the maximum number of samples that may be tested or analyzed free of charge for any one citizen

in any one period of time and fix charges for tests or analysis of samples submitted in excess of the number tested free of charge.

Section 10. This article shall take effect January 1, 1924.

ARTICLE 15.

COMMERCIAL FEEDS.

Section 1. The term "commercial feeds" shall be held to include all feeding stuffs used for feeding live stock and poultry, except whole seed or grains; the unmixed meals made directly ~~from entire grains of corn, wheat, rye, barley, oats, buckwheat, flax seed, kaffir and milo; whole hays, straws, cotton seed hulls~~ and corn stover when unmixed with other materials; all other materials containing sixty (60) per cent or more water.

Section 2. Every lot or parcel of commercial feeds sold in this State shall have affixed thereto a tag or label, in a conspicuous place on the outside thereof, containing a legible and plainly printed statement in the English language, clearly and truly certifying the net weight of the package (provided that all commercial feeds shall be in standard weight bags or packages of 25, 50, 100, 150 or 200 pounds, except that packages weighing eight and one-third pounds net may be distributed to retailers in one hundred pound containers and sold only when the packages are tagged or labeled as provided in this article and the one hundred pound container have affixed thereto a one cent tax stamp); the name, brand, or trademark under which the article is sold; the name and address of the manufacturer, jobber or importer, the names of each and all ingredients of which the article is composed; a statement of the minimum percentage of crude protein, minimum percentage of crude fat, and carbohydrates in terms of maximum percentage of crude fiber, and minimum percentage of nitrogen free extract. All four constituents to be determined by the methods in use at the time by the association of official agricultural chemists of the United States.

Section 3. Before any person shall sell, in this State, any commercial feeds, he or they shall file with the commissioner of agriculture and industries, a certified copy of the statement specified in section two of this article for each brand of commercial feeds, said certified copy to be accompanied by a fee of two dollars for each brand offered for registration, and it is further provided that said brand shall be registered each fiscal year. Said statement shall be accompanied, on request, by a sealed glass jar or bottle containing at least one pound of such seeds to be sold, which sample shall correspond within reasonable limits to the feeds which it represents in the percentage of crude protein, crude fat, and carbohydrates which it contains.

Section 4. Each and every person manufacturing or selling any commercial feeds as defined in section one of this article, shall pay to the commissioner of agriculture and industries, a stamp tax fee of twenty (20) cents per ton for each ton of commercial feeds sold in this State, and shall affix to or accompany each lot shipped in bulk, each bag or parcel of such commercial feeds a stamp to be furnished by the commissioner of agriculture and industries, specifying that all charges specified in this section have been paid. Provided that the fact that any commercial feeds as defined in section one of this article may have value or utility as a fertilizing material, or is capable of being used as a fertilizer, shall not operate to exempt such material from the stamp tax or fee herein specified, or from tagging with regard to its feed constituents. Provided further that the same material shall not be subject to the imposition of both the feed stuff tax stamp and the fertilizer tag tax. Whenever any commercial feeds as defined in section one of this article, is kept for sale in bulk, stored in bins, or otherwise, the person keeping the same for sale shall keep on hand cards upon which shall be printed the statement required by the provisions of section two of this article, and when such feeds are sold at retail in bulk, or in packages belonging to the purchaser, the person shall furnish the purchaser with sufficient stamps to cover the sale, and upon request with a card or cards, upon which appears the statement required by the provisions of section two of this article; provided that nothing in this article shall be construed to restrict or prohibit the sale of commercial feeds in bulk to each other by persons who mix commercial feeds for sale; but all such persons shall attach to such feeds a tag stating that it is to be used for mixing purposes only, and this tag shall give the number of pounds in bulk, or package, the name of the manufacturer, the name of the feeds, and its analysis, showing crude protein, crude fat, and carbohydrates; and a duplicate of said tag shall be sent to the commissioner of agriculture and industries together with a request for inspection. The commissioner of agriculture and industries is hereby empowered to prescribe the form of such tax stamps; but no stamp or label shall be used or authorized by him until and after the same has been copyrighted according to the laws of the United States Patent Office.

Section 5. Whenever a person manufacturing or selling a brand of commercial feeds shall have filed the statement required by section three of this article and paid the stamp tax or fee, as required by section four of this article, no other person shall be required to file such statement or pay such tax or fee upon such brand.

Section 6. The commissioner of agriculture and industries shall have the power to refuse to register any commercial feeds

under a name, brand, or trademark, or with a mixture of ingredients, which would be or tend to be misleading or deceptive as to the materials of which it is composed, or when the specific name of each and all the ingredients used in the manufacture are not stated. He shall also have the power to refuse to register more than one commercial feed under the same name or brand when offered by the same manufacturer, or other person. Should any commercial feeds be registered in this State and it is afterwards discovered that such registration is in violation of any of the provisions of this article, the commissioner of agriculture and industries shall have power to cancel such registration. He shall also have power to refuse to allow any manufacturer, or other person, to lower the guaranteed analysis or change the ingredients of any brand of his or their commercial feeds during the term for which registered, unless satisfactory reasons are presented for making such change or changes.

Section 7. If at any time the commissioner of agriculture and industries, or his duly authorized agent, shall have reason to believe that any feed offered for sale in this State does not comply with the requirements of this article, it shall be his duty by written order to suspend the sale of the same until he shall have satisfied himself, or shall be satisfied by an analysis, or otherwise, that such feed meets the requirements of this article. If he shall find that the same does not comply with this article, then he is authorized to seize or cause to be seized the feed for confiscation as provided in article 21 of this Act.

Section 8. The commissioner of agriculture and industries is hereby authorized to collect for analysis at least one sample of every brand of commercial feeds that are found to be sold in this State. Said sample shall consist of one pound in weight, and shall be taken from not less than ten bags or packages, or if there be less than ten bags or packages, then the sample shall be taken from each bag or package if it be in bag or package form, or if such feed be in bulk, then it shall be taken from ten different places of the lot. The sample or samples taken shall be kept a reasonable length of time by the Department of Agriculture and Industries and on demand a portion of such sample or samples shall be furnished to the manufacturer, or other person having interest in the feed for examination by the chemists or other experts of said manufacturer or person.

Section 9. It shall be unlawful, and shall be punished as other violations of this article, to sell any commercial feed containing as an ingredient corncobs or shucks, or a mixture of ground corncobs and shucks, except that the whole ear (consisting of the shucks, grain and cob intact) may be ground and used as an ingredient when the percentage of the amount so used is stated on the tag or label. Crushed or ground whole ear corn when

sold by itself is a commercial feed, as defined in section one of this article, and the sale thereof within this State shall be governed by the provisions of this article and the rules and regulations prescribed by the State Board of Agriculture. The State Board of Agriculture is authorized, from time to time, to establish standards of classification for commercial feeds according to grade by which their quality, condition, or feeding value may be judged, to alter or modify such standards as they may find necessary, and to make such investigations as may be required for such purpose. It shall be the duty of every person manufacturing or selling any commercial feed on the markets of this State to produce any records and to answer orally or in writing correctly to the best of his knowledge, under oath or otherwise, as may be required, all questions propounded by the commissioner of agriculture and industries concerning said feeds or of the raw materials entering into the composition of such commercial feeds as may be desired for the purposes of this section; provided, however, that no information thus obtained shall be used as a basis for any criminal prosecution against the person furnishing the same. The commissioner shall give public notice of the establishment of such standards or any alteration or modification thereof, not less than sixty days before the date when the same shall become effective, by such means as he shall find appropriate. Such standards shall be known as the Official Feeds Standards of Alabama. The State Board of Agriculture is also authorized from time to time to prescribe and promulgate definitions of the ingredients of commercial feeds and to alter the same as they may deem necessary; provided, that if the secretary has established and published standards and definitions, the standards established and the definitions prescribed and promulgated by the board under this article shall be in accordance with those promulgated at that time by the secretary of the United States Department of Agriculture, and that the tag or label shall plainly show, in addition to the statements required by section two of this article, the grade of such commercial feeds in accordance with the Official Feed Standards of Alabama.

Section 10. Any person who shall violate any of the provisions of this article, or the standards and regulations adopted and promulgated by the State Board of Agriculture, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars, nor more than one hundred dollars for the first offense, and not less than fifty dollars, nor more than two hundred dollars for each subsequent offense, and the proceeds from such fine shall be paid into the State treasury to the credit of the Department of Agriculture and Industries.

ARTICLE 16.

FERTILIZER.

Section 1. For the purpose of this article, the term "person" shall include individuals, firms, partnerships, and associations; and the term "co-operative" shall mean a co-operative marketing association incorporated under the "Co-operative Marketing Act" or other laws of Alabama for marketing of farm products and for other purposes.

Section 2. All manufacturers, co-operatives, or importers of commercial fertilizers, and fertilizer materials to be used in the manufacture of the same, ~~who may desire to sell in Alabama~~ such fertilizers or fertilizer materials, shall first file, or register, with the commissioner of agriculture and industries upon registration forms furnished by the said commissioner, the name and address of the manufacturer or other person guaranteeing same; also the name of each brand of fertilizer, fertilizer material, or chemical which they may desire to sell in Alabama, either by themselves or their agents, together with the guaranteed analysis thereof and the sources and amounts, within 10 per cent of each material from which the phosphoric acid, nitrogen, potash and filler are derived; provided that the materials of nitrogen may be grouped into organic and inorganic sources. The term "filler" when used in this article shall be understood to mean, any foreign or "make-weight" material used in the manufacture of any mixed fertilizer.

Section 3. For the privilege of such registration the manufacturer, co-operative or importer so offering the same, shall pay to the commissioner of agriculture and industries at the time of offering the same for registration, the sum of five dollars for each brand name registered and no brand name shall be registered without the payment of said sum.

The registration of all brands of fertilizer or fertilizer material shall expire on September 30 with the close of the fiscal year for which they were registered. Brands that were registered during a previous fiscal year, shall be required to be re-registered before they are again offered for sale in Alabama.

Section 4. Such brand names as are registered under the provisions of this article shall be required to be re-registered before the ingredients of the fertilizer, upon which such brand name is used, shall be changed; and in the event of such change the fee herein required shall be again paid by the person offering the said brand for registration.

Section 5. The guaranteed analysis of each and every brand of fertilizer and fertilizer material must without exception remain uniform throughout the fiscal year for which it is registered, and in no case, even in subsequent registration, shall the

grade be lowered, although the proportion of available constituents may be changed so that the decrease of one constituent may be compensated by the increase of the other or others; provided, such proposed change must first receive the approval of the commissioner of agriculture and industries.

Section 6. The brand name or trade mark registered by one manufacturer, co-operative, or importer, shall not be entitled to registration by another, and the manufacturer, co-operative or importer having first registered and used the said name or trade mark shall be entitled to it, even should said brand name or trade mark not be offered for current registration at the time. Nothing in this section shall be construed so as to debar the right of any manufacturer, co-operative or importer to establish his ownership in, and prior right of, registration of any brand name or trade mark, whether said brand name or trade mark had been previously registered or not.

Section 7. It shall be unlawful for any manufacturer or other person, either by themselves or their agents, to sell in this State any fertilizers or fertilizer materials that have not been registered with the commissioner of agriculture and industries as required by this article.

Section 8. The commissioner of agriculture and industries shall have authority to prohibit the registration and sale of any fertilizer or fertilizer material with misleading or deceptive trade marks or brand names, or carrying exaggerated claims, or containing material injurious to growing plants.

Section 9. No person or his agent shall sell in this State, any wool, waste, hair, feathers, shoddy, felt, or untreated leather, horn or hoofs, or any other material of similar or like questionable sources of plant food, as a fertilizer or as a fertilizer material; provided that treated or acidulated leather, horns or hoofs as a fertilizer or a fertilizer material may be sold in this State upon the approval of the commissioner of agriculture and industries, who has been furnished satisfactory proof that the nitrogen is sufficiently available and valuable for the purpose for which it is sold.

Section 10. Every person shall, before offering any fertilizer or fertilizer material for sale or exchange in the State of Alabama, first procure a license from the commissioner of agriculture and industries, authorizing such person to sell or exchange or deal therein. Such license shall be issued by said commissioner on the payment of a fee of one dollar, and shall expire on the 30th day of September of each year.

Section 11. The printed report of the commissioner, or a certified copy of the record in his office, showing the issuance of the license to sell or exchange fertilizers or fertilizer materials, to whom and when issued, is presumptive evidence of the fact

that said license was issued to such person at such date. But this provision does not preclude the introduction of the license in evidence.

Section 12. It shall be the duty of each such person to notify the commissioner of agriculture and industries in writing, by mail or otherwise, as may be most convenient, on day of shipment, or 24 hours thereafter, of every such shipment when exceeding five tons of fertilizer or of fertilizer materials; such notice to state the brand name, number of sacks, the weight of each sack, and to whom shipped and addressed.

Section 13. Nothing in this article shall be construed to restrict or avoid sales of acid phosphate or any other fertilizer material to each other by importers, co-operatives or manufacturers, who mix fertilizers or fertilizer materials for sale, or as preventing the free and unrestricted shipments of materials to manufacturers or mixers, who have registered their brands as required by the provisions of this article.

The term "fertilizer material" used in this article shall not include common lime, land plaster, cotton seed meal, ashes, or common salt not in combination.

Section 14. Each and every manufacturer, co-operative or importer manufacturing or selling any fertilizer, fertilizer material or chemical shall pay to the commissioner of agriculture and industries a stamp tax or fee of thirty (30) cents per ton for each ton of fertilizer, fertilizer material or chemical sold in this State, and shall affix to or accompany each lot shipped in bulk, each bag or parcel of such fertilizer, fertilizer material or chemical, a tag to be furnished by the commissioner of agriculture and industries specifying that all charges specified in this section have been paid; provided that any consignee who receives a shipment of fertilizer or fertilizer material in bags or in bulk without the required tax tags being affixed to the bags or accompanying the shipment in bulk, without giving prompt notice to the commissioner of agriculture and industries, and the shipper that said tags were not so affixed or present in the car of the bulk shipment, shall be guilty of violating the provisions of this article; provided, also, that any consignee who should allow said tags to be used a second time, and any person who so uses said tags a second time shall be guilty of violating the provisions of this article.

The commissioner of agriculture and industries shall have printed from a suitable design copyrighted in the United States Patent Office, the required number of tags of suitable material, which shall be numbered consecutively on the back beginning with number one, and which shall be provided with proper fastenings for attaching the same to packages, bags or barrels of fertilizer. On these tags shall be printed the words "Alabama

Tag Tax," "Three Cents," "Paid," for all those required to be attached to the packages, bags or barrels of fertilizer weighing two hundred pounds and the words, "Alabama Tag Tax," "One and One-half Cent," "Paid," for those required to be attached to packages, bags or barrels of fertilizer weighing one hundred pounds or less; provided, that the commissioner of agriculture and industries may, on approval of the State Board of Agriculture, have printed from a suitable design stamps to be used in lieu of tags. Such stamps as designed shall be copyrighted in the United States Patent Office and have thereon the printings required of the tags. They shall be used on the reverse side of guaranteed analysis tags or affixed in such other position as will not cover any part of the printing or said guaranteed analysis tags. Tags or stamps on which the words "Three Cents" are printed shall differ in color from tags or stamps on which the words "One and One-half Cent" are printed. No brand or analysis shall be printed upon said tax tags or tax stamps. Any sale or exchange of commercial fertilizers not tagged or stamped as provided in this section, is void.

Section 15. Every bag, barrel or package of commercial fertilizers sold or distributed within this State shall have affixed thereto a tag or label, containing a legible and plainly printed statement in the English language, clearly and truly certifying the following information in the order indicated. (1) Net weight of each bag, barrel or package in pounds; (2) Brand name or trade mark; (3) Guaranteed analysis, giving (a) the minimum percentage of available phosphoric acid, and the sources and within ten per cent of the amount of each source of available phosphoric acid, (b) the minimum percentage of nitrogen, and the source and within ten per cent of the amount of the source in the form of organic materials (such as fish scrap, blood and tankage), and the source and within ten per cent of the amount of the source in the form of inorganic material (such as nitrate of soda and sulphate of ammonia), (c) the minimum percentage of potash and the sources and within ten per cent of the amount of each source of potash; (4) The source and within ten per cent of the amount of filler; (5) Total pounds of available plant food; (6) Name of manufacturer, co-operative or importer. There shall be no objection to the printing of the above information on bags, barrels and packages by the manufacturer, co-operative or importer, however, this is not required.

In bone meal, tankage or other products where the phosphoric acid is not available to laboratory methods, but becomes available on the decomposition of the products of the soil, the phosphoric acid shall be claimed as total phosphoric acid unless it is desired to claim available phosphoric acid also, in which case, the guarantee must take the form above set forth. Bone meal and tank-

age shall be reduced to a degree of fineness and take such form as is approved by the commissioner of agriculture and industries.

The term "available phosphoric acid," as used in this article, shall be held to consist of the sum of "water soluble" and "citrate soluble" phosphoric acid; provided, that the term "available phosphoric acid" as applied to "basic slag phosphates" shall be held to denote such phosphoric acid as is found available by laboratory tests by the use of the modified Wagner Citric Acid Method, as adopted by the Association of Official Agricultural Chemists, and such method of analysis shall be employed in the official analysis of all samples of basic slag phosphate collected under the provisions of this article.

Section 16. No complete fertilizer, acid phosphate with potash, acid phosphate with nitrogen, or plain acid phosphate, shall be sold in this State which contains less than sixteen per cent plant food; namely, available phosphoric acid, nitrogen, calculated as ammonia and potash, either singly or in combination; provided, that no complete fertilizer or acid phosphate with nitrogen, shall be sold in this State which contains less than two and six one-hundredths (2.06%) per cent of nitrogen equivalent to two and fifty one-hundredths (2.50%) per cent of ammonia.

Section 17. In case any reference is made of grade in connection with the brand name or trade mark of a fertilizer or fertilizer material, the terms "extra high grade," "high grade" and "standard grade" shall refer to fertilizers, acid phosphate with nitrogen, acid phosphate with potash, and plain acid phosphate only when they contain not less than a total of 19, 18, and 16 per cent plant food, respectively. No other grade term shall be used.

Section 18. If any commercial fertilizer or fertilizer material sold in Alabama shall prove less in weight or in available phosphoric acid, nitrogen or potash than guaranteed on the tags or branded on the sacks, bags or packages containing the same, and if, by reason of such deficiency, the commercial value of such fertilizers shall fall more than five per cent below the guaranteed total commercial value of such fertilizers, or fertilizer materials, then the purchaser shall be entitled to a refund, and to sue for collection of same, one-half the amount of the purchase price.

Section 19. The commissioner of agriculture and industries shall secure or cause to be secured samples of the brands of fertilizers or fertilizer materials offered for sale or exchange in the State of Alabama, said samples to be procured in the following manner: Samples drawn with such an instrument as shall secure a core from the entire length of the package. In lots of less than ten packages from each sack, barrel, or package, and from lots of ten packages or more, samples shall be taken from not less than ten packages, or if said fertilizers or fertilizer materials be

in bulk samples shall be taken from ten different places of the lot, and after thoroughly mixing the samples so drawn, he shall by the method known as quartering, draw from such thoroughly mixed samples, two sub-samples, and with them fill two sample containers of not less than eight ounce capacity each, and shall plainly mark on each of said bottles the number of said sample, said number to correspond with the record kept by the commissioner in his office, giving the name of the fertilizer or fertilizer materials, the name of the manufacturer, co-operative or importer, the guaranteed analysis, place where the sample was secured, the name of the party from whom the sample was taken and the date of the sampling. One of said samples shall be sent to the State Chemist who shall make a complete analysis of the same, setting forth the percentages, and the sources, in so far as he is able to determine, from which derived, of the following constituents, namely: water soluble phosphoric acid, citrate soluble phosphoric acid (or the sum together of these two components, constituting the available phosphoric acid, as may be required by the commissioner of agriculture and industries), available phosphoric acid, acid soluble (or insoluble) phosphoric acid, nitrogen and potash, or such of these constituents as may be present, and certify under the same number as marked, said analysis (and any other information required), to said commissioner, which analysis and other requirements shall be recorded as official and entered opposite the brand of fertilizer or fertilizer materials, which the number represents.

Section 20. Any purchaser of fertilizer or fertilizer material within ten days after the receipt thereof may take in the presence of a notary public, justice of the peace, or two disinterested witnesses, a sample of fertilizer in the following manner: In lots of ten sacks or less, a teacupful which shall be taken from the top and bottom of each alternate package; and in lots of from ten to fifty sacks, from at least ten sacks or packages; and from lots of more than fifty packages from at least ten packages, or if said fertilizer or fertilizer materials be in bulk samples shall be taken from ten different places of the lot. Said samples so taken shall be thoroughly mixed upon some surface so as to not mix the dirt or other foreign material with fertilizer; then from different parts of such thoroughly mixed piles two bottles, jars or air-tight receptacles of at least eight ounce capacity each shall be filled, and such receptacles shall then be delivered to the notary public, the justice of the peace, or witnesses, and by them sealed, and the name of the purchaser and notary public, justice of the peace, or witnesses, shall be endorsed on the labels; one of each shall be pasted on each of said receptacles, and the said purchaser and the said notary public, justice of the peace, or witnesses shall certify thereon that the samples were taken in the

manner prescribed by law. One of such receptacles shall then be forwarded by the notary public, justice of the peace or witnesses by mail, postage prepaid, and properly addressed to the seller, and the other of such receptacles shall be forwarded to the commissioner of agriculture and industries by mail, postage prepaid, who shall cause the same to be analyzed by the State Chemist at the expense of the Alabama Polytechnic Institute, funds having already been provided for this purpose. And all such samples shall have precedence in the order of analysis over all other analyses made by the State Chemist, unless otherwise ordered by the commissioner of agriculture and industries. ~~The result of such analysis shall then be forwarded to the commissioner of agriculture and industries who shall record same in his office.~~ One copy of such analysis, under the seal of the Department of Agriculture and Industries, shall be forwarded to the seller, and one copy thereof, under the seal of the Department, shall be forwarded to the purchaser. Such official analysis shall be admissible as evidence in any of the courts of the State on the trial of any issue involving the merits of the particular lot of fertilizer, or fertilizer material so sampled and analyzed.

Section 21. Any person who shall violate any provision of this article shall be guilty of a misdemeanor and upon conviction, shall be fined not less than \$50.00 nor more than \$500.00 for each offense.

ARTICLE 17.

INSECTICIDE AND FUNGICIDE.

The provisions of this article shall govern the manufacture, sale, offering for sale, or other disposition of insecticides, fungicides or ingredients thereof, and other remedies or materials used in the control or eradication of insect pests and plant disease within the State of Alabama.

Section 1. It shall be unlawful for any person to manufacture within the State of Alabama, or to sell within the State any insecticide, Paris green, lead arsenate, or a fungicide, which is adulterated or misbranded within the meaning of this article; and any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor, and shall upon conviction thereof, be fined not less than \$50.00 nor more than \$200.00 for the first offense, and upon conviction for each subsequent offense be fined not less than \$200.00 or more than \$500.00, each and all of which fines when collected, shall be paid to the commissioner of agriculture and industries and credited to the "Agricultural Fund" and be used for the purpose of carrying out and enforcing the provisions of this article.

Section 2. It shall be the duty of the commissioner of agriculture and industries, with the assistance of the State Board of Agriculture to make uniform rules and regulations for carrying out the provisions of this article, including the collections and examinations of specimens of insecticides, paris greens, lead arsenates and fungicides manufactured and sold in this State; provided, the rules and regulations so made shall be uniform with the rules and regulations for the enforcement of the United States Insecticide Act of 1910. The commissioner of agriculture and industries or his agent is hereby authorized to draw a sample from any lot, parcel or package of insecticides or fungicide, or material or mixture of materials used for insecticidal or fungicidal purposes which may be manufactured and sold in this State, and said samples shall be submitted to the official chemist of the Department (the ex-officio State Chemist), who shall make an analysis of the same at the earliest practical moment and report the results of such analysis to the commissioner.

Section 3. If it shall appear from any examination herein provided for, that any such specimens are adulterated or misbranded within the meaning of this article, the commissioner of agriculture and industries shall cause notice thereof to be given to the person from whom such sample was obtained. Any person so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed aforesaid, and if it appears that any of the provisions of this article have been violated by such person, then the commissioner of agriculture and industries shall at once certify the facts to the proper circuit solicitor of this State, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination under the oath of such officer. After judgment of the court that article or articles is or are not misbranded or adulterated, notice of the court's judgment or finding shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

Section 4. It shall also be the duty of each circuit solicitor to whom the commissioner of agriculture and industries shall report any violation of this article to cause appropriate proceedings to be commenced and prosecuted in the proper courts of record, of this State, without delay, for the enforcement of the penalties as in such cases herein provided.

Section 5. The term "insecticide" as used in this article shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any insects which may infest vegetation, man or other animals, or households, or be present in any environment whatsoever. The term "paris green" as used in this article shall include the produce sold in commerce as paris green and chemically known

as the aceto arsenate or copper. The term "lead arsenate" as used in this article shall include the product or products sold in commerce as lead arsenate and consisting chemically of products derived from arsenic acid as used in this article shall include any subgen atoms by lead. That the term "fungicide" (H3 A. S. 04) by replacing one or more hydrostance or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any nad all fungi that may infest vegetation or be present in any environment whatsoever.

Section 6. For the purpose of this article an article shall ~~be deemed to be adulterated~~—In the case of paris green: first, if it does not contain at least fifty per centum of arsenous oxide; second, if it contains arsenic in water soluble forms, equivalent to more than three and one-half per centum of arsenous oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength. In the case of lead arsenate: first, if it contains more than fifty per centum of water; second, if it contains total arsenic equivalent to less than twelve and one-half per centum of arsenic oxide (A S 205); third, if it contains arsenic in water soluble forms, equivalent to more than seventy-five one-hundredths per centum of arsenic oxide (A S 205); fourth, if any substances have been mived and packed with it so as to reduce, lower, or injuriously affect its quality or strength; provided, however, that extra water may be added to lead arsenate (as described in this paragraph) if the resulting mixture is labeled lead arsenate and water, the percentage of extra water being plainly and correctly stated on the label. In the case of insecticides or fungicides, other than paris greens, and lead arsenate: first, if its strength and purity fall below the professed standard of quality under which it is sold; second, if any substance has been substituted wholly or in part for the article; third, if any valuable constituents of the article has been wholly or in part abstracted; fourth, if it is intended for use on vegetation and shall contain any substance or substances, which, although preventing, destroying, repelling or mitigating, insects, shall be injurious to such vegetation when used.

Section 7. The terms misbranded as used herein shall apply to all insecticides, paris greens, lead arsenates or fungicides or articles which enter into the composition of insecticides or fungicides, the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to all insecticides, paris greens, lead arsenates or fungicides which are falsely branded as to the states, territory or county in which they are manufactured or produced. For the purposes of this article an article shall be deemed to be mis-

branded—In the case of insecticides, paris greens, lead arsenates, and fungicides: first, if it be an imitation or offered for sale under the name of another article; second, if it be so labelled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package; third, if in package form, and the contents as stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package. In the case of insecticides (other than paris greens and lead arsenates) and fungicides: first, if it contains arsenic in any of its combinations or in the elemental form and the total amount of arsenic present (expressed as per centum of metallic arsenic) is not stated on the label; second, if it contains arsenic in any of its combinations or in the elemental form and the amount of arsenic in water soluble forms (expressed as per centum of metallic arsenic) is not stated on the label; third, if it consists partially or completely of any inert substance or substances which do not prevent, destroy, repel or mitigate insects or fungi and does not have the names and percentage amounts of each and every one of such inert ingredients plainly and correctly stated on the label; provided, however, that in lieu of naming and stating the percentage amounts of each and every ingredient the producer may at his discretion state plainly upon the label the correct names and percentage amounts of each and every ingredient of the insecticide or fungicide having insecticidal or fungicidal properties, and make no mention of the inert ingredients, except insofar as to state the total percentage of inert ingredients present.

Section 8. No dealer shall be prosecuted under the provisions of this article when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party from whom he purchased such articles, to the effect that the same is not adulterated or misbranded within the meaning of this article. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach in due course to the dealer under the provisions of this article.

Section 9. Any manufacturer of an insecticide or fungicide, shall before the same is offered for sale in Alabama, file or cause to be filed with the commissioner of agriculture and industries for each and every brand of insecticide and fungicide, a certified statement of the brand name and of the chemical analysis, showing the active or inert constituents as required by section 7 of this article (provided that whenever any inert constituent is

claimed to exert especial attractions it shall be considered as active and its nature and percentage shall be filed with the said commissioner and shall be stated on the label of the product), in the form of an application for registration of the brand. Said application shall be accompanied by a copy of the label proposed for use in connection with the sale of said brand, and when said commissioner of agriculture and industries shall so request, with a sealed package containing not less than one pound of the insecticide or fungicide. The manufacturer filing or causing to be filed such certificate shall accompany the application with and ~~shall pay annually~~ to the commissioner of agriculture and industries, a fee of ten dollars on each and every brand prepared and offered for inter-state shipment, and a fee of five dollars per brand for such brands as are not offered for inter-state shipment (except that said fee shall not be assessed for registration of an insecticide or fungicide consisting of organic matter and not containing any added inorganic matter or mineral chemical; provided that a complete chemical analysis, showing the active or inert constituents and the proportions of same, of said insecticide or fungicide is given in, and as part of the certificate required under this section). Whenever any person shall have filed said certificate and paid said registration fee, no other person shall be required to file such statement or pay such fee.

If after a brand of insecticide or fungicide has been registered, it is later discovered that the brand was registered in violation of the provisions of this article, the commissioner of agriculture and industries shall have authority to cancel the registration.

Sec. 10. Any person who shall violate any provision of this article, or who shall sell or distribute brands of insecticides or fungicides which have not been duly registered, shall be guilty of a misdemeanor, and upon conviction thereof be fined not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars for each offense.

ARTICLE 18.

KEROSENE AND OTHER ILLUMINATING OILS.

Section 1. All kerosene or other illuminating oils sold in this State for illuminating purposes shall be subject to examination and test to determine the safety and value for illuminating purposes. All manufacturers, wholesalers and jobbers, before selling in this State any kerosene or other oil for illuminating purposes, shall file with the commissioner of agriculture and industries, a statement that they desire to do business in the State, and furnish the name or brand of the oil or oils which it is desired to sell with the fire test which they are willing to guaran-

tee to be a true test of each of said illuminating oil named in such statement and with the name and address of the manufacturer, and that the oil or oils will comply with the requirements of this article.

Section 2. The State Board of Agriculture shall make necessary rules and regulations for the sampling of kerosene or other illuminating oil and shall adopt standards as to safety, purity or freedom from objectionable substances when not in conflict with this article and which they may deem necessary to provide the people of the State with satisfactory illuminating oil. The commissioner of agriculture and industries or his agents shall from time to time secure samples of said kerosene or other illuminating oils under the said rules and regulations and shall have the same tested or analyzed by the official chemist of the Department.

Section 3. Whenever any sample of oil is submitted to the official chemist of the Department, whether same be submitted on the application of any person or procured directly from the manufacturer, consumer or dealer by the commissioner of agriculture and industries or his agents, it shall be the duty of the said chemist to test the same for fire test, and also chemical composition and quality, and make a certificate of such test, a copy of which certificate shall be furnished by the said commissioner to the person from whom such oil was obtained.

Section 4. For the purpose of carrying out the provisions of this article, the commissioner of agriculture and industries shall collect the sum of one-half cent per gallon on all kerosene or illuminating oils sold in the State of Alabama, the payment of said charge being made by the person first selling such kerosene or illuminating oils in the State of Alabama. Said inspection fee shall be paid to the commissioner of agriculture and industries on or before the 10th day of each month on all of said products so sold during the preceding month and each remittance shall be accompanied by a certificate stating that the amount remitted is correct and that the kerosene or illuminating oil thus sold was of legal standard. Said charge herein provided to be paid shall be paid but once on the same lot of kerosene or illuminating oil.

All persons receiving original shipments of kerosene or illuminating oils shall forthwith advise the commissioner of agriculture and industries of the date of receipt of such shipments and the quantity of same.

Section 5. Whenever a complaint is made to the Department of Agriculture and Industries in regard to the illuminating qualities of any oil sold in the State, the commissioner of said Department shall cause a sample of said oil or oils complained of to be procured and have the same thoroughly analyzed and tested as to safety and illuminating qualities. If such analysis or other

tests shall show that the oil is either unsafe or of inferior illuminating quality, its sale shall be forbidden and report of the result or results be sent to the party making the complaint and to the manufacturer of said oil.

Section 6. All moneys received under the provisions of this article shall accrue to the "Agricultural Fund" and shall be paid into the State treasury to the credit of said fund. Provided that, in consideration of the making of all tests and analyses of all samples of illuminating oils in the chemical laboratory of the Alabama Polytechnic Institute, there shall be paid from said fund to the treasurer of said institute, quarterly, upon the requisition of the president, and upon the order of the commissioner of agriculture and industries, one-fourth of the proceeds accruing under the provisions of this article.

Section 7. Any person who shall violate any provisions of this article or who shall knowingly hinder or attempt to prevent its enforcement, shall be guilty of a misdemeanor and on conviction shall be fined not less than one hundred dollars for each offense nor more than one thousand dollars.

ARTICLE 19.

WHITE LEAD OR PAINT, LINSEED OIL AND TURPENTINE.

Section 1. Every person who shall sell, within this State, any white lead or paint, shall accurately label the same as hereinafter required.

Section 2. The term "paint" as used in this article, shall include white lead in oil or any compound intended for the same use, paste or semi-paste, and liquid or mixed paint of any kind ready for use, or any compound intended for the same use.

Section 3. Labels required by this article shall clearly and distinctly state the name and address of the manufacturer of the article, or the dealer therein, or of the party for whom the same is manufactured, and for the purpose of this article paint shall be deemed to be improperly labeled or misbranded: (1) If it be an imitation of, and offered for sale under the name of another article; or (2) if the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package; or (3) if any label of the package containing it shall bear any statement, design or device regarding the ingredients or composition of the paint which statement, design or device shall be false or misleading in any respect. The label shall also state, in case of liquid paints, and other compounds, on packages holding one quart or more, the net measure of contents of each can, package or container. In case of white lead and other paints and com-

pounds, the label shall show on packages weighing four pounds or more the net weight of each can, package or container.

Section 4. No person shall sell or take orders for sale and delivery within this State, any "raw linseed oil," unless the same is wholly obtained from the seeds of the flax plant (*Linum Usitatissimum*), and unless the same fulfills all the requirements recognized by United States Pharmacopeia.

Section 5. The term "United States Pharmacopeia" as used in this article, shall refer to the latest revision of the United States Pharmacopeia, official at the time of the sale in question.

Section 6. No person shall sell or take orders for sale and delivery within this State any "boiled linseed oil" or so-called "boiled oil" unless the same has been prepared from pure raw linseed oil and lead and manganese driers: And for the purpose of this article, it shall also be deemed a violation hereof if boiled linseed oil does not conform to the following requirements:

First: Its specific gravity at 25 degrees Centigrade as compared with water at 25 degrees Centigrade must not be less than 0.933 and not greater than 0.945.

Second. Its saponification number must be not less than 186 nor greater than 195.

Third. Its iodine absorption number (Hanus method) shall not be less than 168.

Fourth. Its acid number must not be greater than 8.

Fifth. It must yield on analysis not more than one and one-half (1.5) per cent of unsaponifiable matter.

Sixth. It must yield on analysis not less than two-tenths (0.2) of one per cent, nor more than seven-tenths (0.7) of one per cent of ash.

Seventh. It must yield an analysis not less than one-tenth (0.1) of one per cent of lead.

Eighth. It must yield on analysis not less than three-hundredths (0.03) of one per cent of manganese.

Ninth. It must yield on analysis not more than three-tenths (0.3) of one per cent of calcium.

Section 7. No person shall sell any flaxseed or linseed oil unless it is exposed for sale or sold under its true name, and each original unbroken tank car, tank, barrel, keg or vessel containing such oil has distinctly and durably marked thereon the true name of such oil, and the name and place of business of the manufacturer thereof, in ordinary bold-faced capital letters not less than five lines pica in size, the words "Pure Linseed Oil—Raw," "Pure Linseed Oil—Boiled," as the case may be.

Section 8. No person shall sell or take orders for sale and delivery within this State any compound or mixture of linseed oil (raw or boiled), with other products, except as provided in

section 6 of this article, or any product which is intended to be used as a substitute for linseed oil (raw or boiled), unless it is exposed for sale and sold under the name, "substitute for linseed oil," and, if the words "linseed" or "flaxseed" are used other than in the name, the true name of each and every ingredient of said product shall also appear, giving preference of order to the ingredients present in the greater proportion, but all letters used in naming the ingredients shall be of the same size and color, using the style of type as hereinafter specified. Each tank car, tank, barrel, keg, can, jug or vessel (both wholesale and retail), ~~also all storage receptacles~~ containing said product, shall be distinctly and durably marked in a conspicuous place using the English language and kind of type as hereinafter specified, giving the name under which it is sold, the names of ingredients when required, and the name and place of business of the manufacturer thereof in continuous list, with no intervening matter.

Section 9. Any failure to label said article as above specified or any erasures, defacements or carelessness in printing or stamping labels or any statements regarding the composition of said article or any statements of any kind which are misleading, deceptive or which are not true are hereby declared a violation of this article.

Section 10. No person shall sell or take orders for sale and delivery within this State any "oil of turpentine" or so-called "spirits of turpentine," "turpentine" or "turps," unless the same is wholly volatile oil derived from the oleo-resinous exudation from, or the resinous wood of various species of coniferous trees. And for the purpose of this article, it shall also be deemed a violation hereof if oil or turpentine does not conform to the standard specifications for turpentine as appearing in the latest biennial issue of the "A. S. T. M. Standards" issued by the American Society for Testing Materials.

Section 11. No person shall sell any oil of turpentine unless it is exposed for sale or sold under its true name, and each original unbroken tank car, tank, barrel, keg or vessel containing such oil has distinctly and durably marked thereon the true name of such oil and the name and place of business of the manufacturer thereof, in ordinary bold-faced capital letters not less than five lines pica in size.

Section 12. No person shall sell, or take orders for sale and delivery within this State, any compound or mixture of oil of turpentine with other products, or any product which is intended to be used as a substitute for oil of turpentine, unless it is exposed for sale and sold under the name "substitute for oil of turpentine," and, if the word "turpentine," is used other than in the name, the true name of each and every ingredient of said product shall also appear, giving preference of order to the ingredients

present in the greater proportion, but all letters used in naming the ingredients shall be of the same size and color, using the style of type as hereinafter specified. Each tank car, tank, barrel, keg, can, jug, or vessel (both wholesale and retail), also all storage receptacles containing said product, shall be distinctly and durably marked in a conspicuous place, using the English language and kind of type as hereinafter specified, giving the name under which it is sold, the names of ingredients when required and the name and place of business of the manufacturer or jobber thereof, in continuous list, with no intervening matter of any kind, using ordinary bold-faced capital letters not less than five lines pica in size and there shall be such a contrast between the color of the type and the background of the label as to render the same easily and plainly legible.

Section 13. Any failure to label said article as above specified or any erasures, defacements or carelessness in printing or stamping labels or any statement regarding the composition of said article or any statements of any kind which are misleading or deceptive or which are not true are hereby declared a violation of this article.

Section 14. It is hereby made the duty of the commissioner of agriculture and industries, with the advice of the State Board of Agriculture to enforce the provisions of this article. The said commissioner of agriculture and industries and the State Chemist shall perform the same duties and are hereby vested with the same powers and authority as in article 21.

Section 15. Any person violating the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25.00 nor more than \$100.00, for the first offense, and upon conviction for the second or any subsequent offense shall be fined not less than \$50.00 nor more than \$200.00 and may also be imprisoned in the county jail not exceeding three months.

ARTICLE 20.

CORN, OATS, RYE, BARLEY AND COTTON SEED HULLS.

Section 1. Any person who sells any corn, oats, rye, wheat, barley or cotton seed hulls, in sacks or bags, except in quantities hereinafter respectively prescribed, shall be guilty of a misdemeanor.

Section 2. Oats shall be sold in sacks containing two and one-half and five bushels, weighing net respectively eighty and one hundred and sixty pounds; rye and corn in two and two and one-half bushel sacks, weighing net one hundred twelve pounds and one hundred and forty pounds, respectively; wheat in two bushels sacks, weighing net one hundred and twenty pounds; barley in

two and three bushel sacks, weighing net respectively ninety-six and one hundred and forty-four pounds; and cotton seed hulls in one hundred pound sacks or bags; provided, that such sacks, bags or packages shall have plainly marked or stenciled thereon in large type and figures, the net quantities herein required and the name and address of the manufacturer or distributor.

Section 3. The foregoing provisions shall apply only when said articles are sold in sacks, bags or other packages, and shall not prevent the sale of any of said articles in bulk. These provisions shall not apply to sales of grain or cereals by the producer or grower of such grains or cereals.

Section 4. Any person who shall sell what is known to the trade as "mill oats," or like product either by itself or in combination with a commercial feed (as defined in Article 15 of this Act) or who shall sell corn, oats, rye, wheat or barley which has been adulterated, by means of the addition thereto of screenings, chaff, weed seed, wild oats, "mill oats," or water, shall be guilty of a misdemeanor, and the corn, oats, rye, wheat or barley so adulterated, shall be subject to seizure or confiscation by writ of attachment for condemnation, as provided for in Article 21 of this Act.

Section 5. It shall be unlawful to sell in this State, barley, oats or other grains bleached with sulphur fumes whereby damage or inferiority has been concealed or water has been added, and such barley, oats or other grains shall be subject to seizure for confiscation by writ of attachment or condemnation, as provided for in Article 21 of this Act; provided that barley, oats or other grains bleached by sulphur fumes may be sold in Alabama under such rules and regulations as may be adopted by the State Board of Agriculture, in cases where the bleaching does not conceal damage or inferiority, or water has not been added, when the product is plainly and distinctly labeled, "bleached with sulphur fumes."

Section 6. Any person violating any provision of this Article shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than five hundred dollars for each offense.

Section 7. It shall be the duty of the Commissioner of Agriculture and Industries, and his agents, to enforce the provisions of this Article.

ARTICLE 21.

SUSPENSION FROM SALE, SEIZURE BY WRIT OF ATTACHMENT, AND AUTHORITY TO COLLECT AND TO ANALYZE SAMPLES.

Section 1. That if at any time the Commissioner of Agriculture and Industries, or his duly authorized agent, shall have

reason to believe that any products or articles mentioned in Section 2 of this Article, which are offered or exposed for sale in this State, do not comply with the requirements of this Act as to ingredients, substances, analysis, weights or measure of the same, it shall be his duty by written order to suspend the sale of the same until he shall have satisfied himself, or shall be satisfied by analysis, or otherwise, that such Article or product is made up or compounded as required by this Act. If he shall find that the same does not comply with any article or provision of this Act, then he is authorized to proceed with regard to the same as provided in Section 2 of this Article.

Section 2. Any fertilizer, fertilizer material, ground limestone, paint, white lead, linseed oil, turpentine, kerosene or other illuminating oils, insecticides and fungicides, commercial feeds, agricultural seeds, eggs, vinegar, sausage, milk, cream, ice cream or other dairy products, imitation butter and cheese, or any article of food or drug which is adulterated, misbranded or under-standard, grade, weight or measure claimed within the meaning of any article or provision of this Act, and which is manufactured for sale, held in possession with intent to sell, **offered or exposed for sale, or sold or delivered** within this State, shall be liable to be proceeded against in the circuit court of the county where the same is found, and seized for confiscation by writ of attachment for condemnation. Such writ shall issue upon the sworn complaint of the Commissioner of Agriculture and Industries or his duly authorized agent, taken by an officer authorized to administer an oath, to the effect that such article or product is adulterated or misbranded or is under standard, grade, weight or measure claimed, as the case may be, within the meaning of this Act. The said sworn complaint by said Commissioner of Agriculture and Industries or his duly authorized agent, may be amended at any stage of the proceedings. Said writ shall be returnable in five days to the court issuing the writ; such court shall hear and decide whether the allegations of the complaint are true and whether said article or product shall be condemned and confiscated. Such hearing shall not be had until five days' notice of the date therefor shall have been served on the owner, his agent, or any other party having an interest in the same, except in cases defined in sub-head (a). Service of a copy of the writ of attachment showing the returns of the attaching officer shall be sufficient notice for the purposes of this section. Such writ may be executed by the Commissioner of Agriculture and Industries, his duly authorized agent, or by any sheriff or constable in the State. Upon the seizure of the article or product described in the affidavit, it shall be the duty of the officer or person executing the writ to return same to the Circuit Court,

with his return thereon, and within five days after its return, the court shall make up an issue between the State as plaintiff and the property seized as defendant.

(a) In the event that the owner or his agent cannot be found in this State, then said service may be perfected by posting a copy of the writ in a conspicuous place upon the premises where the goods were found and seized, and by mailing a copy thereof by registered mail to the owner, or his agent, to his last known address, and this shall be deemed to be sufficient service of the notice required by this section. If upon the return day of such writ of attachment, the owner of the article or product, his agent or other party having an interest in the same thus notified fails to appear and show cause why said goods should not be condemned, judgment of condemnation and confiscation shall, upon such default, be rendered by the court on the basis of said complaint. If such owner or agent or other party having an interest in such article or product shall on or before the return day of the writ of attachment, or upon such other day as the court upon application of such party may determine, shall file an answer upon oath denying the allegations of adulteration, misbranding, or under standard, grade, weight or measure, as the case may be, in said complaint, the issue thus raised may be determined by the court after hearing all the evidence offered by or on behalf of all the parties to the proceedings. Any such party may demand a jury trial of any issue of fact to be determined in the proceedings instituted hereunder, and in case a jury trial is demanded, the judgment rendered by the court shall be in accordance with the facts as found by such jury; provided, however, that the verdict of the jury may be set aside by the court where manifestly contrary to the evidence or law. If a judgment of condemnation and confiscation is rendered against such article or product as being adulterated, misbranded, or under standard, grade, weight or measure, within the meaning of this Act, the same shall be disposed of by destruction or sale, as the court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the treasury of this State, but such goods shall not be sold contrary to the provisions of this Act; provided however, that upon the payment of the costs of such attachment proceedings and the execution and delivery of a good and sufficient bond to the effect that such article shall not be sold or otherwise disposed of contrary to the provisions of this Act, the court may by order direct that such article or product shall be delivered to the owner thereof.

Section 3. If it shall appear from examination or analyses of fertilizer, fertilizer material, ground limestone, paint, white lead, linseed oil, turpentine, kerosene or other illuminating oils,

insecticides and fungicides, commercial feeds, agriculture seeds, eggs, vinegar, sausage, milk, cream, ice cream or other dairy products, imitation butter and cheese, or any articles of food or drugs that any of the provisions of this Act have been violated, the Commissioner of Agriculture and Industries shall certify or cause to be certified the facts to the county or state solicitor, with a copy of the results of the analysis or examination, and said county or state solicitor upon receipt of this information, shall cause appropriate proceedings to be instituted in the proper court, for the imposition of fines and penalties herein provided.

Section 4. The Professor of Agricultural Chemistry of the Alabama Polytechnic Institute shall be the official chemist of the Department, and ex-officio state chemist. On the application of the Commissioner of Agriculture and Industries, he shall analyze or cause to be analyzed and certify the analyses of all samples of soils, fertilizer, fertilizer material, ground limestone, paint, white lead, linseed oil, turpentine, kerosene or other illuminating oils, insecticides and fungicides, commercial feeds, agricultural seeds, eggs, vinegar, sausage, milk, cream, ice cream or other dairy products, imitation butter and cheese, or any article of food or drugs which are furnished him in the manner prescribed by law. The analysis reports of such samples shall be made to the Commissioner of Agriculture and Industries with the least possible delay. He shall also, at the request of the Commissioner, make or cause to be made, investigations and reports on such matters as may be deemed of interest to the department. He may when necessary, deputize the ranking member of the staff of the chemical laboratory of which he has charge to report and sign analyses and to make reports upon such matters as the chemist may refer to him. He may deputize the ranking professor of pharmacy to analyze and report on samples of drugs, and the ranking professor of botany to examine and make reports upon the quality and purity of agricultural seed. The said ex-officio State Chemist or his assistants shall be entitled to necessary traveling expenses while on duty assigned by the Commissioner, payable out of the "Agricultural Fund" or of any funds to the credit of the Department of Agriculture and Industries.

"Provided that the State Chemical Laboratory shall be organized and manned with employees (with the exception of the State Chemist) who shall devote their entire time to the work of the State Chemical Laboratory, and that no part of the State's funds available for analytical work and reports by the State Chemical Laboratory shall be expended for the salary, in whole or in part of any member of the teaching staff of the Alabama Polytechnic Institute, with the exception of the State Chemist (whose salary shall be prorated between the Alabama Poly-

technic Institute and the State Chemical Laboratory, according to a fair division of the time devoted to the State Chemical Laboratory, following an agreement with the Commissioner of Agriculture and Industries, approved by the Governor) and with the exception of such members of the teaching staff as may be employed to devote their entire time to the work during a non-teaching term, nor for any purpose or purposes other than those authorized in this Act, the object of this provision being to secure the service of full time employees, and to preclude the concurrent employment and payment of chemists for analytical work and teaching work, thereby guaranteeing quick service in making the required analyses. Provided, further, that all charges involved in making tests and analyses and in reporting on samples attested or analyzed shall be at actual cost and certified by the State Chemist to the Commissioner of Agriculture and Industries in itemized form and after being approved by the Commissioner and by the Governor shall be paid out of the appropriation for analytical work provided in this Act, with the restriction that no payment be made on account of rent nor on account of equipment and supplies, excepting such equipment and supplies as are required for the specific use of the State Chemical Laboratory and devoted exclusively to this use, and with the further restriction that no charge whatever on any account (excepting for necessary traveling expenses) shall be made for analyses of and making reports on fertilizer, fertilizer materials, kerosene and other illuminating oils, funds having been otherwise provided for those purposes.

Section 5. The State Chemist shall test or analyze and promptly report on all samples of soils, fertilizer, fertilizer material, ground limestone, paint, white lead, linseed oil, turpentine, kerosene or other illuminating oils, insecticides and fungicides, commercial feeds, agricultural seeds, eggs, vinegar, sausage, milk, cream, ice cream or other dairy products, imitation butter and cheese, bleached flour, or any article of food, drugs, or other products, submitted by the Commissioner of Agriculture and Industries for analysis, and to perform other services for the Department of Agriculture and Industries, as required by law.

Section 6. A certificate of analysis or examination by the State Chemist or the ranking assistant to the State Chemist in the work of the chemical laboratory, when properly verified by affidavit, shall be admissible and shall be prima facie evidence of the facts therein stated in any of the courts in this State, on the trial of any issue involving the merits, and the quality of the bulk from which the sample was taken shall prima facie, be presumed to be the same, as the quality of the sample as shown by the analysis or examination.

Section 7. The Commissioner of Agriculture and Industries is authorized in person or by deputy or by his agents to have free access to all premises, places of business, mills, buildings, carriages, cars, vessels, parcels of whatsoever kind used in the manufacture, transportation, importation, sale or storage of any fertilizer, fertilizer material, ground limestone, paint, white lead, linseed oil, turpentine, kerosene or other illuminating oils, insecticides and fungicides, commercial feeds, agricultural seed, eggs, vinegar, sausage, milk, cream, ice cream or other dairy products and containers thereof, imitation butter and cheese, or any article of food or drugs, and shall have the power and authority to examine or inspect said article or product or to open any parcel, package, bag, vessel or other receptacle, containing or supposed to contain any of said products or articles, and upon paying or offering to pay full value of said sample, to take therefrom in the manner prescribed in this Act, samples for analysis.

The Commissioner of Agriculture and Industries is also authorized to publish, from time to time, in reports or bulletins, results or analyses of samples, together with copies of the laws and such additional information as may be of interest to the public.

ARTICLE 22.

WEIGHTS AND MEASURES.

Section 1. There is but one standard of measure of length and surface, one of weight, and one of capacity, throughout this State, which must be in conformity with the standard of measure of length, surface, weight, and capacity established by Congress. Any firm, association, corporation or person, selling, offering or exposing for sale any commodity by weight or measure which does not correspond with such standard or measure is guilty of a misdemeanor and on conviction shall be fined not less than one nor more than fifty dollars.

Section 2. All contracts, made within this State for any work to be done, or for anything to be sold and delivered, must be construed to have been made according to the standard of weight and measure thus ascertained, unless the parties stipulate to the contrary.

Section 3. If the weights and measures of any county, consisting of one weight of fifty pounds, one of twenty-five pounds, one of fourteen pounds, one of seven pounds, two of four pounds, two of two pounds, and two of one pound, avoirdupois; one measure of one yard, and one of one foot, cloth measure; one measure of half a bushel, one of one peck, and one of one-half peck, dry measure; one measure of one gallon, one of a half gal-

lon, one of a quart, one of one pint, one of one-half pint, and one of one gill, wine measure, in conformity with such standard, are destroyed, without the fault of any official who by law had charge of the same, the Commissioner of Agriculture and Industries shall, upon the requisition of the probate judge and upon satisfactory evidence that the weights and measures will be kept in a safe and suitable place, furnish weights and measures to such county.

Section 4. The legal weights per bushel of the commodities herein named shall be as follows:

Alfalfa seed, shall be.....	60	pounds per bu.
Apples, green, shall be.....	50	pounds per bu.
Apples, green, shall be.....	2½	bushels per bbl.
Apples, dried, shall be.....	24	pounds per bu.
Appleseed, shall be.....	40	pounds per bu.
Bluegrass seed, shall be.....	14	pounds per bu.
Beans, dried, shall be.....	60	pounds per bu.
Beans, green, in pod, shall be.....	30	pounds per bu.
Beans, green, in pod, shall be.....	2½	bushels per bbl.
Beans, castor, shall be.....	46	pounds per bu.
Beans, velvet, shelled, shall be.....	60	pounds per bu.
Beets, shall be.....	50	pounds per bu.
Blackberries, shall be.....	48	pounds per bu.
Blackberries, dried, shall be.....	28	pounds per bu.
Black Medic (cleaned) shall be.....	56	pounds per bu.
Bran, shall be.....	20	pounds per bu.
Broomcorn, shall be.....	42	pounds per bu.
Bun clover, shall be.....	10	pounds per bu.
Buckwheat, shall be.....	50	pounds per bu.
Barley, shall be.....	48	pounds per bu.
Carrots, shall be.....	50	pounds per bu.
Cabbage, shall be.....	50	pounds per bu.
Carpet Grass seed, shall be.....	25	pounds per bu.
Cherries, with stems, shall be.....	56	pounds per bu.
Cherries, without stems, shall be.....	64	pounds per bu.
Corn, shelled, shall be.....	56	pounds per bu.
Corn, in ear, shucked, shall be.....	70	pounds per bu.
Corn, in ear, with shucks, shall be.....	75	pounds per bu.
Corn, green with shucks, shall be.....	100	pounds per bu.
Corn, green with shucks, shall be.....	2½	bushels per bbl.
Cornmeal, unbolted, shall be.....	48	pounds per bu.
Cornmeal, bolted, shall be.....	48	pounds per bu.
Cucumbers, shall be.....	48	pounds per bu.
Chestnuts, shall be.....	50	pounds per bu.
Cement, shall be.....	80	pounds per bu.

Coke, shall be.....	40	pounds per bu.
Charcoal, shall be.....	22	pounds per bu.
Coal, stone, shall be.....	80	pounds per bu.
Canary seed, shall be.....	60	pounds per bu.
Clover seed, red and white, shall be.....	60	pounds per bu.
Cottonseed, shall be.....	32	pounds per bu.
Crimson clover, shall be.....	60	pounds per bu.
Eggs, extras, shall weigh over.....	26 ounces per doz. net	
Eggs, No. 1, shall weigh.....	24 to 26 ounces per doz. net	
Eggs, No. 2, shall weigh.....	20 to 24 ounces per doz. net	
Eggs, No. 3, shall weigh.....	Less than 20 ounces per doz. net	
Flaxseed, shall be (linseed).....	56	pounds per bu.
Flour, shall be (in wood).....	196	pounds per bbl.
Gooseberries, shall be.....	48	pounds per bu.
Grapes, with stems, shall be.....	48	pounds per bu.
Grapes, without stems, shall be.....	60	pounds per bu.
Horse-radish, shall be.....	50	pounds per bu.
Hickory nuts, shall be.....	50	pounds per bu.
Hair, plastering, shall be.....	8	pounds per bu.
Hominy, shall be.....	62	pounds per bu.
Hungarian grass seed, shall be.....	48	pounds per bu.
Herds Grass, shall be.....	45	pounds per bu.
Hemp seed, shall be.....	44	pounds per bu.
Kaffir corn, shall be.....	56	pounds per bu.
Japan clover, (Lespedeza) shall be.....	25	pounds per bu.
Johnson grass seed, shall be.....	25	pounds per bu.
Land plaster, shall be.....	100	pounds per bu.
Lime, unslacked, shall be.....	80	pounds per bu.
Lime, slacked, shall be.....	40	pounds per bu.
Liquids, shall be.....	42	gallons per bbl.
Millet seed (German, Mo., Tenn.), shall be.....	50	pounds per bu.
Melilotus seed, (cleaned) shall be.....	60	pounds per bu.
Orchard grass seed, shall be.....	14	pounds per bu.
Osage orange seed, shall be.....	33	pounds per bu.
Oats, seed, shall be.....	32	pounds per bu.
Onions, matured, shall be.....	57	pounds per bu.
Onions, top buttons, shall be.....	28	pounds per bu.
Onions, button sets, shall be.....	32	pounds per bu.
Parsnips, shall be.....	45	pounds per bu.
Paspalum, shall be.....		
Peas, dry, shall be.....	60	pounds per bu.
Peas, green, in hull, shall be.....	30	pounds per bu.
Peaches, matured, shall be.....	50	pounds per bu.
Peaches, dried, unpeeled, shall be.....	33	pounds per bu.
Peaches, dried, peeled, shall be.....	38	pounds per bu.
Pears, matured, shall be.....	50	pounds per bu.

Pears, dried, shall be.....	26	pounds per bu.
Plums, shall be.....	64	pounds per bu.
Pieplant, shall be.....	50	pounds per bu.
Potatoes, Irish, shall be.....	60	pounds per bu.
Potatoes, sweet, shall be.....	55	pounds per bu.
Peanuts, shall be.....	22	pounds per bu.
Popcorn, shelled, shall be.....	56	pounds per bu.
Popcorn, unshelled, shall be.....	70	pounds per bu.
Quinces, matured, shall be.....	48	pounds per bu.
Raspberries, shall be.....	48	pounds per bu.
Rape seed, shall be.....	50	pounds per bu.
Rye seed, shall be.....	56	pounds per bu.
Red top, shall be.....	14	pounds per bu.
Rye grass, Italian, shall be.....	20	pounds per bu.
Rice, shall be.....	45	pounds per bu.
Sage, shall be.....	4	pounds per bu.
Salt, shall be.....	50	pounds per bu.
Sorghum, mol., shall be.....	12	pounds per gal.
Sorghum seed, shall be.....	50	pounds per bu.
Strawberries, shall be.....	48	pounds per bu.
Salad, turnips, kale, shall be.....	30	pounds per bu.
Salad, mustard, spinach, shall be.....	30	pounds per bu.
Speltz, shall be.....	40	pounds per bu.
Turnips, shall be.....	55	pounds per bu.
Turnips, Rutabagas, shall be.....	50	pounds per bu.
Tomatoes, shall be.....	56	pounds per bu.
Timothy seed, shall be.....	45	pounds per bu.
Velvet grass seed, shall be.....	7	pounds per bu.
Walnuts, shall be.....	50	pounds per bu.
Wheat, shall be.....	60	pounds per bu.

Section 5. The Commissioner of Agriculture and Industries by virtue of his office shall be State Superintendent of Weights and Measures during his term of office, acting with the advice and counsel of the State Board of Agriculture. He shall designate an assistant as Deputy Superintendent of Weights and Measures and any other competent inspector or agent of the Commissioner of Agriculture and Industries may be designated by the Commissioner as a State Inspector and Sealer of Weights and Measures.

Section 6. It shall be the duty of the Secretary of State to deliver to the Commissioner of Agriculture and Industries, as Superintendent of Weights and Measures, the standard weights and measures which have come into his possession under the provisions of Chapter 47 of the Code of 1907. The Commissioner of Agriculture and Industries shall duly receipt the Secre-

tary of State for the standard weights and measures received, and shall take charge of same for use as provided in this Article. He shall cause them to be kept in a safe and suitable place in his office, from which they shall not be removed except for repairs or for certification, and he shall take all other necessary precautions for their safe keeping. He shall maintain the State standard weights and measures in good order and shall before they are put into use, and at least once in every ten years thereafter submit them to the National Bureau of Standards for their certification. He shall also obtain from the National Bureau of Standards new and additional weights and measures as are adopted by the National Bureau of Standards under a resolution of Congress, approved June 14, 1836. The new weights and measures received shall be used in addition thereto or in renewal thereof of the standard weights and measures received from the Secretary of State. These standard weights and measures when certified by the National Bureau of Standards shall be the State Standards. Provided that similar standard weights and measures, now in possession of the Probate Judges of the several counties in Alabama, and any new weights and measures when certified by the National Bureau of Standards are kept in a safe and suitable place, to be approved by the Superintendent of Weights and Measures, in the office of the Probate Judge, may be used in like manner and for the same purposes as are the standard weights and measures kept in the office of the Superintendent of Weights and Measures. He shall, at least once in five years, try and prove by the State standards, all weights, measures and other apparatus which may belong to any county or city, and shall seal such, when found to be accurate, stamping on them the letter "C" and the last two figures of the year with seals which he shall have and keep for that purpose. He shall have and keep a general supervision of the weights, measures and weighing and measuring devices, offered for sale, sold, or in use, in the State. He shall, upon the written request of any citizen, firm, corporation, or educational institution in the State test or calibrate weights, measures, weighing or measuring devices, and instruments or apparatus used as standards in the State. He, or his deputy or inspectors, by his direction, shall at least once annually test all scales, weights and measures used in checking the receipts and disbursements of supplies in every institution for the maintenance of which moneys are appropriated by the Legislature and he shall report in writing his findings to the supervisory board and to the executive officer of the institution concerned; and, at the request of such board or executive officer, the Superintendent of Weights and Measures shall appoint in writing one or more employees then in the actual service of each

institution who shall act as special deputy, or deputies, without extra compensation, for the purpose of checking the receipts and disbursements of supplies. He shall keep a complete record of standards, balances and other apparatus belonging to the State and take a receipt for same from his successor in office. He shall include a report of the work done by his office, in his general report to the State Board of Agriculture. The State Superintendent or his deputy, or inspectors, at his direction, shall inspect all standards and apparatus used by the counties and cities at least once in five years and shall keep a record of the same. He, or his deputy, or inspectors, at his direction shall at least once in five years visit the various cities and counties of the State in order to inspect the work of the local sealers, and in the performance of such duties, he may inspect the weights, measures, balances, or any other weighing appliance of any citizen, firm, or corporation, and shall have the same power as the local sealer of weights and measures. The Superintendent shall issue from time to time regulations for the guidance of city and county sealers, and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties.

Section 6. The Board of Revenue, or Court of County Commissioners, of each county and the mayor of each city, who may, in their discretion, appoint a sealer under this Article, shall keep, at all times, at the expense of the county or city, a complete set of weights and measures and other apparatus of such material and construction as said Superintendent of Weights and Measures may direct. All such weights, measures and other apparatus having been tried and accurately proven, shall be sealed and certified to by the State Superintendent as hereinbefore provided; and shall be then preserved by the county or city sealer as public standards for such county or city.

Section 7. The Court of County Commissioners, or Board of Revenue, of each county may, in its discretion, appoint a county sealer of weights and measures in each county for a term of two years. He shall be paid a salary to be determined by said Board, and no fee shall be charged by him or by the county, for the inspection, testing, or sealing of weights, measures or weighing or measuring devices; and, when not otherwise provided by law, the county sealer shall have the power within his county, and the State Superintendent, his deputies and inspectors, within the State, to inspect, test, try, and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments or mechanical devices for measuring, and also all tools, appliances and accessories connected with any and all such instruments or measures kept, offered, or exposed for sale, sold or used or em-

ployed within the county by any proprietor, agent, lessee, or employee, in proving the size, quantity, extent, area, or measurement of quantities, things, produce, articles for distribution or consumption offered or submitted by such person or persons for sale, hire, or award; and they shall have power to and shall from time to time weigh or measure packages or amounts or commodities of whatsoever kind kept for the purpose of sale, offered for sale, or sold or in the process of delivery, in order to determine whether the same contains the amount represented, and whether they be offered for sale or sold in a manner in accordance with law. The county sealer shall at least once each year, and as much oftener as he may deemed necessary, see that the weights, measures, and all apparatus used in the county are correct. The county and state inspectors or agents may, for the purpose above mentioned, and in the general performance of their official duties, enter or go in upon, and without formal warrant, any stand, place, building, or premises, or stop any vendor, peddler, junk dealer, coal wagon, ice wagon, delivery wagon, or any dealer whatsoever and require him, if necessary to proceed to some place which the sealer may specify, for the purpose of making the proper tests. Whenever the county sealer or state inspectors find a violation of the statute relating to weights and measures, they shall cause the violator to be prosecuted. Whenever any sealer or inspector compares the weights, measures, or weighing and measuring instruments and finds that they correspond, or causes them to correspond, with the standards in his possession, he shall seal or mark such weights, measures, or weighing or measuring instruments with appropriate devices to be approved by the State Superintendent of Weights and Measures. The county sealer shall keep a complete record of all of his official acts and shall make an annual report to the Board of Supervisors and an annual report duly sworn to on the first day of July to the State Superintendent of Weights and Measures on blanks to be furnished by the Superintendent. The county sealer of weights and measures shall forthwith on his appointment give a bond in the penal sum of one thousand dollars with sureties to be approved by the appointing power for the faithful performance of the duties of his office: Provided, however, that nothing in the above shall be construed to prevent two or more counties from combining the whole or any part of their districts as may be agreed upon by the Court of County Commissioners or Board of Revenue of such counties, with one set of standards and one sealer, upon the written consent of the State Superintendent of Weights and Measures. A county sealer appointed in pursuance of such an agreement for such combination, shall, subject to the terms of his appointment, have the same authority,

jurisdiction, and duties as if he had been appointed by each of the authorities who are party to the agreement.

Section 8. Any incorporated city in this State may in its discretion, appoint a city sealer of weights and measures under this Article. He shall be appointed by the mayor, by and with the advice and consent of the aldermen or by the city commission, as the case may be. He shall perform in said city similar duties, and have like powers, as the county sealer in the county. In those cities in which no sealer is appointed as above, the county sealer of the county, if there be one, shall perform in said cities the duties and have like powers as in the county: Provided, however, that nothing in the above shall be construed to prevent any county and a city situated from combining the whole or any part of their districts as may be agreed upon by and between the Court of County Commissioners or Board of Revenue of the county and the mayor and aldermen, or city commission, of such city, with one sealer, subject to the written approval of the State Superintendent of Weights and Measures. A sealer so appointed in pursuance of an agreement for such combination shall, subject to the terms of his appointment, have the same authority, jurisdiction, and duties as if he had been appointed by each of the authorities who are parties to the agreement.

Section 9. Any person who by himself or by his servant or agent or as the servant or the agent of another shall offer or expose for sale, sell, or use or retain in his possession, a false weight or measure or weighing or measuring device or any weight or measure or weighing or measuring device which has not been sealed by the sealer of weights and measures within five years, in the buying or selling of any commodity or thing or for hire or reward; or who shall dispose of any condemned weight, measure or weighing or measuring device contrary to law or remove any tags placed thereon by the sealer of weights and measures; or any person who by himself or by his servant or agent as the servant or agent of another, shall knowingly sell or offer or expose for sale less than the quantity he represents, or sell or offer or expose for sale any such commodity in a manner contrary to law; or any person who by himself or by his servant or agent, or as the servant or agent of another, shall sell or offer for sale or have in his possession for the purpose of selling any device or instrument to be used to, or calculated to, falsify any weight or measure, shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars or by imprisonment for not more than three months or by both such fine and imprisonment upon first conviction; but upon a second or subsequent conviction he shall be punished by a fine of not less than fifty dollars

nor more than five hundred dollars or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment.

Section 10. The Superintendent of Weights and Measures, his deputy, inspectors, and the county and city sealers of weights and measures are hereby made special policemen, and are authorized to seize, for use as evidence and without formal warrant any false or unsealed weight, measure or weighing or measuring device or package or amounts of commodities, found to be used, retained or offered or exposed for sale or sold in violation of law.

Section 11. Any person who shall hinder or obstruct in any way, the Superintendent of Weights and Measures, his deputy, or inspectors, or any county or city sealer in the performance of his official duties shall be guilty of a misdemeanor, and shall be punished upon conviction thereof, in any court of competent jurisdiction, by a fine of not less than ten nor more than two hundred dollars, or by imprisonment in the county jail for not more than ninety days or by both such fine and imprisonment.

Section 12. Any person who shall impersonate in any way the Superintendent of Weights and Measures, his deputies, inspectors, or any county or city sealer, by use of his seal or otherwise, shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than ninety days or by both such fine and imprisonment.

ARTICLE 23.

SALE OF FARM PRODUCE ON COMMISSION.

Section 1. The term "commission merchant" shall include every person, firm, association and corporation, licensed under this Article to receive, accept in trust, sell or offer for sale on commission within this State any kind of farm produce. The term "farm produce" shall include all agricultural, horticultural, vegetable and fruit products of the soil, and meats, livestock, poultry, eggs, dairy products, nuts and honey, but shall not include timber products.

Section 2. On and after October first, nineteen hundred and twenty-three, no person, firm, association or corporation, whose principal place of business shall be located in any city or town in this State, shall receive, sell or offer for sale on commission within this State any kind of farm produce, without a license as provided in this Article. Every person, firm, association and corporation in this State receiving farm produce for sale on commission shall annually on or before October first, file an ap-

plication with the State Commissioner of Agriculture and Industries, for a license to do a commission business in farm produce. Such application shall state the kind or kinds of produce which the applicant proposes to handle, the full name of the person or corporation applying for such license, and if the applicant be a firm or association, the full name of each member of the firm or association, the address including the street number at which the business is to be conducted, and such other facts as the Commissioner of Agriculture and Industries shall prescribe. Such applicant shall further satisfy the said Commissioner of his or its character, responsibility and good faith in seeking to carry on a commission business. The Commissioner of Agriculture and Industries shall thereupon issue to such applicant, on payment of ten dollars, in cities or towns of less than twenty thousand population, and twenty-five dollars, in cities of more than twenty thousand population, a license entitling the applicant to conduct the business of receiving and selling farm produce on commission at the place named in the application until the tenth day of October next following. Such license shall not be issued, however, to any applicant if during the preceding year a complaint from any consignor of farm produce for sale on commission shall have been filed with the Commissioner of Agriculture and Industries against such applicant for any of the grounds specified in section four hereof, and such complaint shall have been established as true and just to the satisfaction of the Commissioner after such complaint shall have been investigated by the Commissioner in the manner provided by section three of this Article. The provisions of this Article shall not apply to co-operative marketing associations, incorporated under the laws of this State for marketing farm products, when operating on a non-stock and non-profit plan.

Section 3. The Commissioner of Agriculture and Industries shall have power to investigate, upon the complaint of an interested person, or of his own motion, the record of any person, firm or corporation applying for a license, or any transaction involving the solicitation, receipt, transportation, sale or attempted sale of farm produce on a commission basis, including the making of charges in selling, carting, or other services, the failure to make proper and true accounts and settlements at prompt and regular intervals, the making of false statements as to condition, quality or quantity of goods received or while in storage, the making of false statements as to market conditions, or the failure to make payments for goods received or other alleged injurious transactions; and for such purpose may examine the ledgers, books of accounts, memoranda or other documents of any commission merchant; but information relating to the general busi-

ness of any such person, contained in such investigation and not relating to the immediate purpose thereof shall be deemed of a confidential nature by the commissioner. When a complaint is filed with the Commissioner, he shall attempt to secure an explanation or adjustment; failing this, within ten days he shall cause a copy thereof, together with a notice of a time and place for a hearing on such complaint, to be served personally, or by mail, upon such commission merchants. If served by mail such complaint and notice shall be directed to such commission merchant at his place of business and the postage prepaid thereon. Such service shall be made at least seven days before the hearing. At the time and place appointed for such hearing, which shall be within the county where the commission merchant is licensed to do business, the commissioner shall hear the parties to such complaint, and shall enter in the office of the Commissioner of Agriculture and Industries a decision either dismissing such complaint or specifying the fact which he deemed established on such hearing.

Section 4. The Commissioner of Agriculture and Industries may decline to grant a license or may revoke a license already granted, where he is satisfied of the existence of the following cases or either of them:

1. Where false charges have been imposed for handling or services, or charges other than as by a schedule agreed on by the parties, or other than those customary in the trade;

2. Where there has been a failure to account promptly and properly or to make settlements with intent to defraud;

3. Where there have been false statements as to condition, quality or quantity of goods received or held for sale or commission;

4. Where there have been false or misleading statements as to market conditions with intent to deceive;

5. Where there have been combinations to fix prices below the market value;

6. Where there has been a continual course of dealings of such nature as to satisfy the commissioner of inability of the commission merchant to properly conduct the business, or of an intent to deceive or defraud customers;

7. Where the commission merchant directly or indirectly purchases the goods for his own account without prior authority therefor, or without notifying the consignor thereof.

Section 5. The action of the Commissioner of Agriculture and Industries in refusing to grant a license, or in revoking a license granted under this Article, shall be subject to review by a writ of certiorari from the Circuit Court or court of like jurisdiction, and if such proceedings are begun; until the final deter-

mination of certiorari proceedings and all appeals therefrom, the license of such commission merchant shall be deemed to be in full force and effect, or if such license shall have been refused, such commission merchant shall not be deemed to have violated the provisions of this Article, prohibiting the transaction of such business without a license, provided the fee for such license shall have been paid.

Section 6. The Commissioner of Agriculture and Industries shall publish in pamphlet form as often as he thinks is necessary, a list of all the licensed commission merchants.

~~Section 7. If any shipper of farm produce to a commission merchant be dissatisfied with any statement relative to the sale of such shipment, he may apply to the Commissioner of Agriculture and Industries in writing, within sixty days of making such shipment, for an investigation. The Commissioner of Agriculture and Industries shall treat such applicant as a complaint, and shall cause a full investigation of the transaction complained of to be made in the manner provided by section five of this Article.~~

Section 8. Any person, who being a commission merchant in farm produce, shall (a) impose false charges for handling or services in connection with food products, or (b) fail to account for such food products, promptly and properly and to make settlements therefor with intent to defraud, or (c) shall make false or misleading statement or statements as to the market conditions with intent to deceive, or (d) enter into any combination to fix prices below market level, (e) directly or indirectly purchase for his or its own account, goods received by him upon consignment without prior authority therefor from the consignor, or shall fail to promptly notify the consignor of such purchase on his own account, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, and the cost of prosecution, or by imprisonment in the county jail for not less than six months nor more than one year or by such fine and imprisonment in the discretion of the court in each and every offense.

Section 9. Any commission merchant of farm produce, as defined in Sections One and Two of this Article, who shall fail to take out a license as required by this Article, shall be deemed guilty of a misdemeanor and for each and every offense of selling farm produce on commission without such license, shall be punished by a fine of not more than one hundred dollars, and the costs of prosecution, or by imprisonment in the county jail for not more than thirty days, or both in the discretion of the court, and the fact that any person advertises and holds himself

out as a commission merchant of farm produce, or handler of farm produce on commission or who handles farm produce in trust, shall be prima facie evidence of the fact that he is a commission merchant of farm products as defined by this Article.

ARTICLE 24.

SALE OF FARM PRODUCE BY THE PRODUCER.

It shall be unlawful for any municipality to charge the farmers or others engaged in the production of farm products of whatever nature, any license fee for the sale of or other disposition of such farm products produced by them at any place; nor shall such municipality prevent the sale of such products by the producer thereof when the said farmer shall have complied with all reasonable regulations for the sale of such products in such municipality.

ARTICLE 25.

HORTICULTURAL PRODUCTS.

Section 1. The powers and duties of the State Board of Horticulture, provided for by Chapter 24 of the Code of 1907, as subsequently amended, and transferred by Article 4 of this Act to the State Board of Agriculture, created by Article 2, Section 1 of this Act, (and the provisions thereof) are hereby revised and amended to read as hereinafter provided in this Article.

Section 2. No person shall engage or continue in the business of selling within the State or of importing into the State, any fruit trees, shade trees, shrubs, vines, or plants known as nursery stock, without having first obtained a license to do such business in this State.

Section 3. Any person shall obtain a license from the Commissioner of Agriculture and Industries as the executive officer of the State Board of Agriculture, to engage in the business, as provided in the preceding section, upon the payment of the fee of ten dollars, and compliance with the provisions of this Article; provided that the agent of a person so engaged shall pay a license fee of one dollar. A license granted under this title shall be for one year; provided, however, that such license may be revoked at any time at the discretion of the Commissioner for any violation of this Article or the rules and regulations of the State Board of Agriculture. The form of a license herein required shall be a receipt by the Commissioner of Agriculture and Industries, stamped with the official seal of the Department of Agriculture and Industries, and setting out the conditions under which the license may continue in full force.

Section 4. The Commissioner of Agriculture and Industries, his agents or assistants shall visit any section of the State where pests or diseases may exist, to determine whether infested or diseased trees or plants are worthy of remedial treatment or shall be destroyed, and on visiting and discovering such diseased or infested trees or plants shall immediately report his findings in writing to the owner of the infected or diseased plantation, his agents or tenants. If he deems it necessary—as in the case of highly infectious plant diseases and communicable insect infestations—he shall also attached to each infected plant or planting ~~at the principal entrance of said infected or infested property or planting a tag or card of a kind of material that will~~ withstand the weather conditions for a period of at least ninety days and which tag may be replaced from time to time until the said trees or plants have been treated, freed from said infection or destroyed, and upon such tag, in indelible markings, shall be noted the approximate extent of the infection or infestation on said farm, nursery, or orchard, the name by which the disease is known and such other words, or instructions, of a quarantine nature as the said Commissioner shall deem to be necessary to prevent the spread of the infection or infestation to other trees, plantings or orchards than those originally found to be infected or infested on said farm, nursery or property. Any such tag or card shall not be removed, altered, nor defaced by the owner, tenant, or manager of said farm or any other person unless authorized to do so by the said Commissioner or his agents. Any person or persons who shall remove, deface or alter the said tag or card after the same has been affixed as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50.00 nor more than \$100.00. In case of objections to the findings of the said Commissioner or his agent, an appeal may be made to the State Board of Agriculture, who shall immediately summon witnesses, hear testimony under oath and render its decision, which shall be found. An appeal must be taken within ten days (10 days) and shall act as a stay of proceedings until it is heard and decided. In case of an appeal by the owner of any nursery, orchard or plantation to the State Board of Agriculture, the State shall pay the cost of the proceedings in the event that the owner shall win his appeal, and the appellant shall pay said cost in the event his appeal is not sustained, and the said cost shall constitute a lien against the property of said owner and may be collected in the manner provided in Section 5 of this Article.

Section 5. Upon the findings of the Commissioner of Agriculture and Industries or his agent, the Chief of the Division of Plant Industry (who shall also be known as the State Plant

Inspector, who shall be a graduate of an "A" grade agricultural college in horticulture, and who has had professional training in economic entomology and pathology and has had practical experience in horticulture) in any case of infested or diseased trees or plants, the treatment prescribed by him shall be executed at once (unless an appeal be taken), under his supervision, the cost of labor and material shall be borne by the owner; provided, however, that in case the trees or plants shall be condemned, they shall be destroyed by or under the supervision, of the State Plant Inspector or his deputy and the expense of such action shall be borne by the owner, which expense, whether of treatment or destruction, shall be paid by the owner within thirty days; if such owner shall fail to pay all such expenses within such time, the Attorney General shall or cause the State or County Solicitor of such county or circuit to bring suit in the name of the State for the recovery of the same and when judgment is recovered and collected the sum shall be paid into the State Treasury and accrue to the "Agricultural Fund."

Section 6. In case any person or persons refuse to execute the direction of the Commissioner of Agriculture and Industries or his agent, upon an appeal, a Justice of the Peace or Probate Judge of the county shall, upon complaint filed by the Commissioner, his agent, or any freeholder, cite the person or persons to appear before him within ten days after notice has been served, and the said Justice of the Peace or Probate Judge upon satisfactory evidence shall cause the prescribed treatment to be executed, and the expense thereof and the cost of court shall be collected from the owner or owners of infested or infected plants.

Section 7. The Commissioner of Agriculture and Industries, his agents or employees, may enter upon any premises in discharge of the duties prescribed in this Article.

Section 8. The State Board of Agriculture shall exercise all the powers conferred by Article Three (3) of this Act for preventing the introduction of dangerously injurious crop pests and diseases of all kinds from without the State, for preventing the existence of such pests or diseases on any premises of whatever nature and kind in this State, for preventing the existence of infested or diseased plants, trees or shrubs that are hosts for said pests or diseases, when same are in the counties wherein the said pests or diseases are already in existence, or regarding the dissemination of crop pests and diseases within the State, and for the governing of common carriers in transporting plants liable to harbor such pests or diseases, to and from and within the State.

Section 9. The State Board of Agriculture shall promulgate, through the press of the State, or in bulletins or both, rules and

regulations necessary to carry into full and complete effect the provisions of this Article, carefully defining what diseases or maladies, both insect and fungus, shall constitute infestation or infection in trees and plants within the meaning and purview thereof, and what plants, trees or shrubs are hosts for the various pests and diseases in the counties of the State in which the respective pests or diseases have an existence: Provided that no rule or regulation shall go into effect until after notice of same shall have been announced and the nurserymen, through the president or executive committee of their State Association, ~~and other interested parties, have had reasonable time to be~~ heard by the State Board of Agriculture in the office of the Commissioner of Agriculture and Industries or other location agreed upon, on the proposed rule or regulation.

Section 10. A copy of the certificate of the inspection of the Commissioner of Agriculture and Industries, or his agent, must accompany each box or package sold, given away, or shipped. Such certificate must be dated within twelve months. If upon examination such stock is found to conform to the requirements of the State Board of Agriculture the State Plant Inspector must furnish a certificate to that effect.

Section 11. Each and every person, residing or doing business outside the State, dealing in or handling trees or shrubs or other plants commonly known as nursery stock, shall file a copy of his or its report of his or its inspection furnished by the State Plant Inspector, Nursery Inspector, or other duly authorized officer of his or its State or County, and a fee of \$10.00 with the Commissioner of Agriculture and Industries. Upon the filing of this report and a fee of \$10.00, as above prescribed and upon request of the person a certificate will be issued to the same, and official tags bearing copy of such certificate and seal of the Department of Agriculture and Industries will be furnished the same at cost; provided, however, that the aforesaid reports of inspection shall be adjudged satisfactory by the Commissioner. Each box, bundle or package or nursery stock shipped into Alabama by any person shall bear one of these tags, and shipments of stock not thus tagged shall be liable to confiscation by the Commissioner of Agriculture and Industries, his agents or employees.

Section 12. No transportation company or common carrier shall accept or deliver and no person shall carry on his person or in any manner as baggage any box, bundle or package of trees, shrubs or other plants, commonly known as nursery stock to any consignee or from any shipper or person residing in the State of Alabama when said box, bundle or package does not bear the official tag or certificate of inspection issued by the

Commissioner of Agriculture and Industries, nor shall they receive or deliver any box, bundle or package produced or originating in another State, when said box, bundle or package does not bear the official tag or certificate of inspection issued by the proper State authority in the State of its origin, without previously notifying the Commissioner of Agriculture and Industries of the particulars of the shipment or article carried by person for delivery or without duly warning the consignee or other receiver of his risk of accepting said shipment.

Section 13. No common carrier shall be liable for damages to the consignee or consignor for refusing to receive, transport, or deliver such trees, packages or boxes, when not accompanied by the tag or certificate as provided in the preceding section.

Section 14. Upon a petition of fruit growers, vegetable growers or farmers growing or preparing to grow fruits, nuts, vegetables, flowers or other horticultural crops in any county of the State, to the County Commissioners or Board of Revenue of said county and to the State Board of Agriculture, the County Commissioners or Board of Revenue, as the case may be, shall, on its approval and the approval of the Commissioner of Agriculture and Industries of said petition, appoint a county plant inspector, whose duty it shall be in accordance with the Commissioner of Agriculture and Industries, or his agent, the State Plant Inspector, to inspect orchards, nurseries, trees, shrubs, vines, fruits, vegetables, plants, packing houses, warehouses, store rooms, farms and all other premises within said county, and to enforce all laws of the State relating to such insect pests and such diseases as affect trees, vines, plants of any kind, or fruits or vegetables of any kind, and other horticultural laws, rules and regulations of the State; provided, however, that the State Plant Inspector so to be appointed shall be nominated by the Commissioner of Agriculture and Industries, and approved by the State Board of Agriculture, and shall be a graduate of an accredited or agricultural college and shall have not less than five years of practical experience in horticultural pursuits; and said County Plant Inspector shall hold his office during the time he performs the duties of said office in a manner satisfactory to the Commissioner of Agriculture and Industries. Upon a similar petition, the County Commissioners or Board of Revenue of said county shall appoint one or more assistant County Plant Inspectors; provided that such assistant or assistants, be first recommended in the manner herein provided for the appointment of a County Plant Inspector, and shall hold office during the pleasure of said County Commissioners and of the County Plant Inspector, for said county. Every such assistant County Plant Inspector shall have and perform all the powers and duties of a County Plant Inspector, but shall work under his direction.

Section 15. The County Plant Inspector and Assistant County Plant Inspectors and all other persons authorized to enforce the horticultural and inspection laws of Alabama, are authorized and empowered, provided, they show credentials from the Commissioner of Agriculture and Industries, to enter during reasonable hours upon or into any premises, land, buildings, enclosures, or other places for the purpose of inspecting any article which is subject to, or may be subject to, infestation or infection with any insect or fungus injurious to any article which grows upon or in or from the soil by processes of plant growth, or the eggs, larvae, or pupae of such insects or with any disease injurious to any such article or articles for the further purpose of enforcing any of the laws of this State relating to horticultural quarantine or horticultural inspection or the abatement of horticultural nuisances or any other duties imposed by law upon such Plant Inspectors and other persons authorized to enforce the inspection and horticultural laws of Alabama.

Section 16. Such County Plant Inspector shall receive a sum not less than \$5.00 per day and his actual necessary expenses, and each assistant County Plant Inspector shall be paid for his services by said county a sum not less than \$4.00 per day and his actual necessary expenses incurred in the performance of his duties. The County Plant Inspector shall report monthly to the Commissioner of Agriculture and Industries, on or before the last day of each month, stating the kind and amount of work done by himself and his assistant or assistants, the necessary expenses incurred with vouchers for the same, and the number of days that the County Plant Inspector and his assistant or assistants, are entitled to pay. When the Commissioner has examined and approved the said report, and claim, the County Commissioners or Board of Revenue shall upon the receipt of the report so approved pay the salary and expenses of the said County Plant Inspector, and his assistant or assistants, and to the Commissioners shall certify the same to the Treasurer of the county before such compensation and expenses shall be paid.

Section 17. The Board of County Commissioners or Board of Revenue of each county shall supply the County Plant Inspector and Deputy County Plant Inspector with such blanks as are not furnished by the Commissioner of Agriculture and Industries and with such assistance, stationery and postage as are needed in the performance of their official duties.

Section 18. It shall be the duty of the County Plant Inspector, whenever he deems it necessary, on written approval of the Commissioner of Agriculture and Industries, to cause an inspection to be made during reasonable hours of any orchard, nurseries, trees, plants, vegetables, vines, or any fruit packing

houses, store rooms, sales rooms, or any other place within his district, and also of any fruit trees or nursery stock shipped within the limits of this State, and if found infected or infested with any pests, diseases or fungus growths injurious to fruits, plants, trees, vegetables, or vines, or with their eggs or larvae liable to spread to other plants or localities, or of such nature as to be of public danger, he shall notify the owner or owners or persons in charge or in possession of such articles, things or places, that the same are so infested or infected or in case such fruit trees or nursery stock, although apparently sound and not infested or infected by any pests, shall have been from an infested district beyond the limits of this State, he shall also so notify the owner or owners or persons in charge of or in possession of the same to eradicate or destroy said insects or pests or their eggs or larvae, or such imported fruit trees or nursery stock from infested districts without the limits of this State, or to treat such contagious diseases within a certain time to be specified in said notice. Said notice may be service upon the person or persons, or any of them, owning, having charge of or having possession of such infested place, article, or thing by said County Plant Inspector, or by any person deputed by him for that purpose, or they may be served in the same manner as a summons in an action at law. Such notice shall contain directions for the application for such treatment approved by the County Plant Inspector for the eradication or destruction of said pests or the eggs or larvae thereof, or the treatment of contagious diseases of fungus growth. Any and all such places, orchards, nurseries, trees, plants, shrubs, vegetables, vines, fruits or articles thus infested are hereby declared to be a public nuisance, and should they exist at any place in the State on the property of any owner or owners upon whom or upon the person in charge or possession of whose property notice has been served as aforesaid, and who shall have failed or refused to abate the same within the time specified in such notice, or if it is the property of any non-resident or any property not in the possession of any person and the owner or owners of which cannot be found by the County Plant Inspector after diligent search within the county, it shall be the duty of the County Plant Inspector to cause such nuisance to be at once abated by eradicating or destroying said insects or pests or their eggs or larvae, or by treating or disinfecting or destroying the infested or diseased article, or imported fruit trees or nursery stock imported from an infested district without the limits of this State. The expense thereof shall be a county charge and the Board of County Commissioners or Board of Revenue shall allow and pay the same out of the general fund of the county.

Section 19. The said County Plant Inspector or his agents or employees are hereby empowered with authority to enter upon any premises and to examine all plants and trees whatsoever in discharge of the duties herein prescribed. Any person, who shall obstruct or hinder them or their agents in the discharge of their duty shall be guilty of a misdemeanor.

Section 20. The wages and expenses of the County Plant Inspectors and the assistants shall be paid out of the treasuries of the counties where their work is performed in each case; but in case two or more counties wish to co-operate in the employment of one person to serve in the capacity of Plant Inspector into two or more counties, he shall receive such salary from each county as that county's assessed property valuation bears in proportion to the other county or counties. In each county jointly employing such Plant Inspectors he shall be designated the County Plant Inspector of that county.

Section 21. It shall be unlawful for any person to import, sell, give away, or have in possession for sale or barter, fruits, nuts, vegetables, or flowers of any kind in the State of Alabama that are infested or infected with insects or diseases of a kind and to such an extent that it is likely to cause serious damage to products susceptible to the disease or insect.

Section 22. The State Board of Agriculture shall hear and promptly decide all appeals from the County Plant Inspector or his assistants in this State, and its decisions shall have full force and effect until set aside by the courts of the State. All appeals from County Plant Inspectors or their assistants to the State Board of Agriculture shall be under the form and regulations as prescribed by the said Board.

Section 23. It shall hereafter be unlawful for any person owning or operating any nursery, or fruit orchards of any kind, to throw any cuttings, or prunings of any fruit trees, nursery stock or ornamental trees, or any diseased or infested fruit, into any public road, highway, lane, field or other enclosure, or into any water course of any kind; but shall destroy such diseased cuttings or prunings, or diseased or infected fruit, with fire within a reasonable time from the time such cuttings or prunings are made.

Section 24. Every person who packs or prepares for shipment to any point within a prohibited area in the State which may be prescribed by the State Board of Agriculture or who delivers or causes to be delivered to any express agent or railroad agent, or other person, or to any transportation company, or corporation, for shipment to any point, within a prohibited area which may be prescribed by the State Board of Agriculture any fruit or fruits either fresh, cured or dried, that is infested with certain designated diseases and pests, designation to be

made by the Board, communicable insect pests or diseases injurious to trees, shrubs, plants, fruits, or vegetables, shall be deemed guilty of a misdemeanor.

Section 25. Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than ten dollars, nor more than five hundred dollars, or by imprisonment in the county jail not less than ten nor more than one hundred days, or by both such fine and imprisonment, at the discretion of the court.

Section 26. It shall be the duty of the County Plant Inspector of the county in which a violation of this article occurs to present the evidence of the case to the county solicitor, whose duty it shall be to prosecute a person guilty of a violation of this Article, which prosecution may be brought in any of the justice courts or courts of like jurisdiction of that county.

ARTICLE 26.

FROSTED CITRUS FRUIT.

Section 1. It is unlawful for any person to ship, offer for shipment, or to sell citrus fruits in boxes or in bulk, if the contents of any package, or if the fruit in bulk contains fifteen per cent or more of citrus fruits which on a transverse section through the center, shows a marked drying in twenty per cent or more of the exposed pulp.

Section 2. It shall be the duty of the Commissioner of Agriculture and Industries and his agents to enforce the provisions of this Article, and bring to notice of the proper authorities any violation thereof. The Commissioner of Agriculture and Industries and his agents shall have full power and authority to enter any place where oranges, lemons, or grapefruit are grown, picked, packed, shipped or offered for shipment or sold and to inspect such a place or any part thereof.

Section 3. Any person violating any provision of this Article is guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten nor more than fifty dollars, and may be imprisoned in the county jail for a period not exceeding six months.

ARTICLE 27.

SALE OF FRUIT TREES AS TO KIND OR VARIETY.

Section 1. It shall be unlawful for any person, acting either as principal or agent, to sell, to any person, any fruit tree or fruit trees representing same to be of a certain kind, variety, and de-

scription and thereafter to deliver to such purchaser in filling such order and in completing such sale a fruit tree or fruit trees of a different kind, variety or description than the kind, variety or description of such fruit tree or fruit trees so ordered and sold. Provided a variation in kind, variety and description may vary not more than five per cent in any shipment containing not less than fifty such fruit trees.

Section 2. Any person violating any provision of this Article shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than one hundred dollars ~~(\$100.00)~~, nor more than five hundred dollars ~~(\$500.00)~~, or by imprisonment in the county jail for not less than twenty days or more than six months, or by both fine and imprisonment.

Section 3. Prosecutions under this Article may be commenced at any time within seven years from the time of the delivery of such fruit tree or fruit trees mentioned in Section One.

ARTICLE 28.

SALE OF FALSELY NAMED SEEDS, TREES OR PLANTS.

Section 1. All trees, seeds, plants and vines, sold, offered or exposed for sale in the State of Alabama, shall be properly named as to variety and kind, and any person knowingly selling, trading, or exchanging, or offering or exposing for sale any trees, seeds, plants or vines falsely named as to variety and kind shall be guilty of a misdemeanor, and shall be liable to a fine of not less than ten dollars, nor more than three hundred dollars.

ARTICLE 29.

ALABAMA GRAIN STANDARDS ACT.

Section 1. This Article shall be known and when cited or amended may be designated as the "Alabama Grain Standardization Act."

Section 2. The Commissioner of Agriculture and Industries, with the advice and counsel of the State Board of Agriculture, is hereby charged with the duty of carrying out all of the provisions of this Article, and he shall put into effect the provisions of this Article relative to the grading and inspection of grains for which Federal standards have been established under authority of the United States Grain Standards Act.

Section 3. He shall have the power:

(a) To establish uniform grades for grain, which are hereby defined as including corn (maize), wheat, rye, oats, barley, grain sorghum and beans. Any standard for grains now or hereafter made mandatory under authority of the Congress of the

United States, shall forthwith, be established and promulgated by the Commissioner of Agriculture and Industries as the official standards of this State. In establishing grades for grain that is sold in a dockage basis, dockage shall be considered and such dockage that is of value and retained shall be paid for. Dockage as used therein shall be understood to mean dockage as defined in the official grain standards of the United States.

(b) To make, amend, or repeal rules and regulations for the grading and inspecting of grain, for the purpose of carrying out the provisions of this Article, provided that all such rules shall be published by him in such manner as to give proper publicity thereto.

(c) To fix and determine all charges for sampling, grading and inspecting grain.

Section 4. The Commissioner of Agriculture and Industries may establish official stations for the inspection of grain at any town or place where grain is bought, sold, marketed, stored or manufactured. The Commissioner of Agriculture and Industries shall inspect and grade upon request all grain sold, offered for sale, or consigned for sale. He shall issue a uniform grade certificate stating the kind and grade of grain, test weight per bushel, and the reason for all grade below number one, and such other facts as he may require; provided, however, that none of the facts certified in such certificate shall be presumed to continue or exist beyond sixty days after the date of such certificate; provided, further, that certificates issued by authorized agents of the Commissioner of Agriculture and Industries shall be received in all courts of the State of Alabama as prima facie evidence of the truth of the statements therein contained at the time of the issuance of said certificate and for sixty days thereafter. Such certificates shall be delivered to the owner of such grain or his agent.

Section 5. The Commissioner of Agriculture and Industries may designate any person as inspector under the provisions of this Article who is eligible for a license under the United States Grain Standards Act. No employee of the Department of Agriculture and Industries engaged in the inspecting or grading of grain under the provisions of this Article shall be interested financially or otherwise, directly or indirectly, in any grain elevator, warehouse or in the merchandising of grain, or be employed by any person, firm or corporation owning or operating any grain warehouse or elevator.

Section 6. The Commissioner of Agriculture and Industries shall issue to each employee authorized to grade and inspect grains under this Article a certificate showing such authority,

which shall be posted in a permanent and conspicuous place at the official station of such employee.

Section 7. Whenever standards and grades shall have been fixed and established under the provisions of this Article for any grain, it shall be unlawful thereafter for any person, firm or corporation to buy or sell grain designed for intrastate shipment on the basis of any standard or grade that may be established under the authority of this Article without first having secured certificates of grade from the Commissioner of Agriculture and Industries; provided that this section shall apply only in cases where the purchaser has made request for such inspection prior to such shipment.

Section 8. The grade of grain shall be determined at such points as inspectors of the department may be located, by actual sampling, grading and inspection. Such grain delivered at points where an agent or inspector of the department may not be located shall be graded on the basis of fair samples guaranteed to be such in writing by the buyer and seller. Such samples shall be taken in the manner prescribed by the Commissioner of Agriculture and Industries under the rules and regulations of this Article; provided, that certificates issued on the basis of fair samples guaranteed to be such by the buyer and seller shall state only the grade of such samples.

Section 9. Any person aggrieved by the grading by any employee of the Commissioner of Agriculture and Industries of any grain for which Federal standards have been fixed, may with the approval of the Secretary of the United States Department of Agriculture, appeal to the Federal Grain Supervisor of the district in which the State of Alabama may be located. The Federal Grain Supervisor is hereby appointed as an employee of the Department of Agriculture and Industries of the State of Alabama, to serve without pay, for the purpose of hearing and deciding appeals from the original grading of grain by any employee of the State Department of Agriculture and Industries. Such Federal Grain Supervisor may confer with the Commissioner of Agriculture and Industries, his duly authorized agents, and employees and any other interested parties and shall make such tests as may be deemed necessary to determine the correct grade of the grain in question. After making such tests the Federal Grain Supervisor shall issue, or cause to be issued, a Federal appeal grade certificate to all interested parties, which shall state the grade of the grain as determined by such tests, the number of the inspector's certificate which is superseded by the Federal appeal grade certificate, and the following statement: "This certificate is issued pursuant to the United States Standards Act and the Alabama Grain Standards Act." Such

Federal appeal grade certificate shall be prima facie evidence of the correct grade of the grain in any court of the State of Alabama; provided, that any person aggrieved by the grading by any employee of the Commissioner of Agriculture and Industries of any grain for which Federal standards have not been fixed but for which State grades have been established under the provisions of this Article may appeal the question to the Commissioner of Agriculture and Industries. The Commissioner of Agriculture and Industries shall make such tests as shall be deemed necessary to determine the correct grade of the grain in question and after making such tests shall issue or cause to be issued an appeal grade certificate to all interested parties. Said certificate shall take such form as is prescribed by the Commissioner of Agriculture and Industries in the rules and regulations under this Article. Such certificate shall be prima facie evidence of the correct grade of the grain in any court of the State of Alabama. The Commissioner of Agriculture and Industries shall charge, assess, and cause to be collected for each such appeal as is filed with the State Department of Agriculture and Industries a fee of five dollars which shall be paid to the Commissioner of Agriculture and Industries, and same shall be refunded if the appeal is sustained; provided, further, that any appeal from inspection and grading made under the provisions of this Article shall be taken before the grain leaves the place where the inspection appeal from was made and before the identity of the grain has been lost, under such rules and regulations as the Commissioner of Agriculture and Industries may prescribe; provided, also, that any buyer of grain buying under the standards and grades of this Article shall be entitled to appeal from any inspection or grading made under the provisions of this Article at any time within two days of the transfer or delivery to said buyer by any seller of any certificate issued under the provisions of this Article and regardless of any movement of said grain.

Section 10. The Commissioner of Agriculture and Industries shall cause all grades established hereunder to be published in one or more newspapers or farm journals of general circulation throughout the State, with the dates when such grades so established shall become effective, which shall not be less than thirty days from the date of such publication. Official grades shall be kept on file in every official grading station for public inspection.

Section 11. The Commissioner of Agriculture and Industries shall provide proper sieves, cleaning devices and other apparatus necessary for separating dockage from grain, grain testers, strokers, and such other tools as shall not be disapproved

by the bureau of markets of the United States Department of Agriculture.

Section 12. Any person violating any of the provisions of this Article shall be guilty of a misdemeanor.

Section 13. The Commissioner of Agriculture and Industries and his duly authorized employees may enter and inspect any place where grain is stored, shipped, sold, or offered for sale for the purpose of carrying out the provisions of this Article. The Commissioner of Agriculture and Industries and his duly authorized employees may, for the purpose of inspection and examination of grain, break the seals of cars and after such inspection has been made the said officials shall securely close and reseal such doors as have been opened by them, using the special seal provided by the Department of Agriculture and Industries for the purpose. A record of all original seals broken by said officials, and the date when broken, and also a record of all State seals substituted therefor, and the date and number of said seals, shall be made by such officials. Any person who forcibly assaults, resists, impedes or interferes with said Commissioner of Agriculture and Industries or his employees in the execution of any duty authorized to be performed by him under this Article shall be guilty of a misdemeanor.

ARTICLE 30.

STANDARDS FOR AGRICULTURAL PRODUCTS AND CONTAINERS THEREOF AUTHORIZED.

Section 1. In this Article the term "agricultural products" shall include horticultural, viticultural, dairy, bee, poultry and any farm product; the word "person" shall include individuals, partnerships, corporations, associations, or two or more individuals having a joint or common interest; words used import the singular or the plural as the case may demand.

Section 2. In order to promote, protect, further, and develop the agricultural interests of this State the Commissioner of Agriculture and Industries, with the advice and counsel of the State Board of Agriculture is hereby authorized and empowered after investigation and public hearing to fix and promulgate official standards for grading and classifying any or all agricultural products grown or produced in this State and to fix and promulgate official standards for containers of farm products and to change any of them from time to time.

Section 3. In promulgating the standards or any alterations or modification of such standards the Commissioner of Agriculture and Industries shall specify the date or dates when the same shall become effective and shall give public notice not less than

30 days in advance of such date or dates by such means as he deems proper, and he is hereby authorized and empowered to employ reasonable methods for diffusing information concerning the standards that may be fixed by him for any agricultural product or container.

Section 4. The Commissioner of Agriculture and Industries with the advice and counsel of the State Board of Agriculture is authorized to fix and promulgate, as the official standards for this State for any agricultural product or container, the standard for such product or container which may have been promulgated or announced therefor under the authority of the Congress of the United States, and in carrying out the provisions of this Article the said Commissioner is authorized to co-operate with the United States or any department thereof in accomplishing the matters and things provided for herein.

Section 5. The Commissioner of Agriculture and Industries is hereby authorized to designate any competent employee or agent of the Department of Agriculture and Industries, and upon satisfactory evidence of competency may license any other person and charge and collect a reasonable fee for such license, to inspect or classify, or cause to be inspected or classified, agricultural products, in accordance with such regulations as may be prescribed by the State Board of Agriculture, at such places as the volume of business may be found to warrant the furnishing of such inspection service, at the request of persons having an interest in such products, and to ascertain and certify to such persons the grade, classification, quality or condition thereof, and such other pertinent facts as the Commissioner may require. The Commissioner of Agriculture and Industries, with the advice and counsel of the State Board of Agriculture, is authorized to fix, assess and collect or cause to be collected fees for such services when they are performed by employees or agents of the Commissioner of Agriculture and Industries. Licensed inspectors may charge and collect as compensation for such service only such fees as may be approved by the State Board of Agriculture. The Commissioner of Agriculture and Industries may suspend or revoke any license whatever, after an opportunity for hearing has been afforded to the licensee, when he shall determine that such licensee is incompetent or has knowingly or carelessly failed to grade or classify any agricultural product in accordance with such standards, or has knowingly or carelessly failed to correctly certify the grade, classification, quality or condition of any agricultural product, or has violated any provision of this Article or of the regulations made hereunder. Pending investigations the said Commissioner may suspend a license temporarily without a hearing.

Section 6. Whenever any quantity of any agricultural product shall have been inspected hereunder and a question arises as to whether the certificate issued therefor shows the true grade, classification, quality or condition of such product, any interested persons, subject to the regulations prescribed by the State Board of Agriculture, may appeal the question to him and he is authorized to cause investigation to be made and such tests to be applied as he may deem necessary and to determine and issue a finding of the true grade or classification of the product or of the quality or condition thereof. Whenever an appeal shall be taken to the Commissioner under this Article, he shall charge and assess and collect, or cause to be collected, a reasonable fee, to be fixed by the State Board of Agriculture, which shall be refunded if the appeal is sustained.

Section 7. A certificate when not superseded by a finding on appeal, or a finding on appeal of the grade, classification, quality or condition of any agricultural product, issued under this Article and all certificates issued under authority of the Congress of the United States relating to the grade, classification, quality or condition of agricultural products shall be accepted in any court of this State as prima facie evidence of the true grade, classification, condition or quality of such agricultural product at the time of its inspection.

Section 8. The State Board of Agriculture is hereby authorized and empowered to promulgate regulations for carrying out the purposes and provisions of this Article.

Section 9. The Commissioner of Agriculture and Industries may require any employee or agent and any inspector licensed under this Article to execute and file with him a good and sufficient bond payable to the State in such sum, not exceeding one thousand dollars, and with such surety or sureties, as he may prescribe, conditioned upon the faithful performance of such employee, agent or licensed inspector of his duties as such employee, agent or licensed inspector. Any person injured by the failure of such employee, agent or licensed inspector faithfully to perform such duties shall be entitled to sue on such bond in his own name in any court of competent jurisdiction for the recovery of such damages as he may have sustained by reason of such failure.

Section 10. Any employee or agent employed under this Article or any inspector licensed hereunder who shall knowingly inspect, grade or classify improperly any agricultural product or shall knowingly give any incorrect certificate of grade, classification, quality or condition or shall accept money or other consideration directly or indirectly for any incorrect or improper performance of duty and any person who shall improperly in-

fluence or attempt to improperly influence any such agent, employee, or licensed inspector in the performance of his duty shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars or be imprisoned not more than one year or both.

Section 11. If any quantity of any agricultural product shall have been inspected and a certificate issued hereunder showing the grade, classification, quality or condition thereof no person shall represent that the grade, classification, quality or condition of such product at the time and place of such inspection was other than as shown by such certificate. Whenever any standard for a container for an agricultural product becomes effective under this Article no person thereafter shall pack for sale, offer for sale, consign for sale, or sell and deliver, in a container, any such agricultural product to which the standard is applicable, unless the container conform to the standard, subject to such variations therefrom as may be allowed in the regulations made under this Article, unless such product be bought from outside the State and offered for sale, consigned for sale or sold in the original package.

Any person violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars or be imprisoned not more than one year or both.

ARTICLE 31.

PUBLIC GINS, SUPERVISION OF.

Section 1. All gins in this State which gin cotton for hire or toll are hereby declared to be public gins and shall be under the supervision of the State Board of Agriculture.

Section 2. The proprietor, lessee or manager of any public gin shall procure each year from the Commissioner of Agriculture and Industries, before the opening of the ginning season, a permit to do business as a public ginner, the application for which shall be made upon forms to be furnished by the Commissioner of Agriculture and Industries, and such proprietor, lessee or manager shall pay to the Commissioner of Agriculture and Industries the sum of One Dollar for issuing each such permit.

Section 3. Power is hereby conferred upon the State Board of Agriculture to establish rules and regulations not inconsistent with law, for the conduct and management of public gins, the character, amount and weight of bagging and ties to be used, the marking or tagging of cotton, the records to be kept, reports made as to ginning and other like matters that may tend to protect the interests of the public.

Section 4. It shall be the duty of the Commissioner of Agriculture and Industries to enforce the requirements of law relative to public gins and see that all rules and regulations relative to public gins that may be established from time to time by the State Board of Agriculture are observed. The said Commissioner shall have power to refuse to issue a permit, and to revoke at any time the permit that has been issued to any public ginner who fails or refuses to comply with the law or with the rules and regulations of the State Board of Agriculture. Any public ginner to whom such Commissioner refuses to issue a permit ~~or whose permit has been revoked,~~ may appeal to the State Board of Agriculture, which shall consider the matter with as little delay as possible and make such order as may be justified by the facts; but this shall not be construed as preventing a resort to any court that may have jurisdiction.

Section 5. Any public ginner who operates his gin without first securing a permit therefor as provided in this Article or who operates after such permit has been revoked, shall be guilty of violating the provisions of this Article, and on conviction be fined as for a misdemeanor for each day so operated.

Section 6. This Article shall go into effect on March 1, 1924.

ARTICLE 32.

COTTON.

Section 1. It shall be unlawful for any person, in buying baled cotton, or in weighing such cotton for sale to deduct from the actual weight thereof, as shown on a level-standing beam of the scale, or to use in weighing untested weights, so as to deprive the seller of the cotton of any of its real value.

Section 2. Any person, who violates the preceding section, shall be guilty of a misdemeanor, and on conviction, be fined in each case, not less than ten nor more than fifty dollars. But deductions may be made by mutual consent of buyer and seller or their authorized agents or representatives, on wet or damaged cotton bales, on each bale so weighed or deducted from.

Section 3. Any corporation, companies, individuals, or their agents, operating or owning places for storing and weighing cotton, doing business in this State, who fail to keep a record of all bale cotton weighed by warehousemen, corporations, companies, individuals, or their agents, for whom each bale of cotton is weighed, with the names of such persons arranged alphabetically, or who fails to keep such record open to the inspection of the public at all reasonable times, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five nor more than five hundred dollars, for each violation thereof.

Section 4. Any warehouse proprietor, common carriers, officer, agent, clerk, or employee of such common carrier or person, or any other person who, for the purpose of preventing, delaying, or hindering the rightful owner, or person having a lien thereon from recognizing, finding and recovering his cotton (whether the same has been sold to the warehouse proprietor, or to other persons), changes or mutilates the marks, brands, or numbers on such cotton, or conceals any cotton delivered to such warehouse, common carrier, or to such other person for sale or storage, must, on conviction, be fined not less than ten nor more than one hundred dollars.

Section 5. Any factor, commission merchant, consignee, or agent, having the control of any cotton, who, with intent to defraud the owner, appropriates to his own use any cotton taken from any bale under his control, or authorizes or knowingly permits any other person to take from such bale any part thereof, and to retain the same to his own use, must, on conviction, be fined not less than fifty nor more than one thousand dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county, for not more than twelve months.

Section 6. Any person who knowingly and unlawfully takes from any bale of cotton any part thereof, without the authority of the owner, consignee, or agent, must, on conviction, be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county, for not more than six months.

Section 7. Any person who is authorized to sample cotton, and who, with intent to defraud, converts such samples to his own use, or refuses to deliver them on demand to the owner, consignee, or agent, within thirty days after they are taken, unless they have, in the meantime, been destroyed, or stolen without his agency, or taken out of his possession by legal process, must on conviction, be fined not less than fifty, nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.

Section 8. Any person who, knowingly and with intent to defraud, buys or receives any cotton taken from the bale without the authority of the owner, consignee, or agent, must on conviction, be fined not less than fifty, nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.

Section 9. Any person who, without the authority of the owner, consignee, or agent, willfully or wantonly cuts, tears, or otherwise opens any bale of cotton, must, on conviction be fined

not more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.

Section 10. Any cotton broker, or other person, firm or corporation, engaged in the business of buying cotton, either on his own account, or for others, who buys or engages to buy, from a planter or commission merchant, any cotton and fails or refuses to pay for the same at the time agreed upon, and makes way with or disposes of any cotton purchased and not paid for, ~~is guilty of fraud and embezzlement, and, on conviction, must be imprisoned in the penitentiary not less than one nor more than five years, at the discretion of the jury.~~

Section 11. Any person violating any of the provisions of Section 23 of this Article, must on conviction, be fined not less than fifty nor more than one hundred dollars for each offense, one-half of which shall go to the informer; and in prosecutions under this section, the ownership of the cotton need not be alleged or proved.

Section 12. Any person who fraudulently packs, or bales any cotton, by plating or otherwise, must, on conviction, be fined not less than fifty, nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.

Section 13. Any person who fraudulently exhibits any false samples of any cotton, or of any other articles or commodity, by means whereof any person is injured, must, on conviction, be fined not less than fifty dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county, for not more than six months.

Section 14. Any person who removes, or aids in removing from this State, any cotton subject to the lien given by law for the purchase money, with intent to prevent, hinder, or delay the enforcement of such lien, must, on conviction, be imprisoned in the penitentiary for not less than one nor more than five years at the discretion of the jury.

Section 15. Any person, other than the purchaser, whether such person is the owner, in whole or in part, or warehouseman, or other persons, except the person purchasing for shipment, who shall remove or destroy the tag placed upon any bale of cotton by the ginner thereof, when said tag contains the name of the ginner, the name of the party for whom ginned, the gin weight, and the amount due for ginning, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than fifty dollars, which said fine shall be payable only in money.

Section 16. Every person, firm, or corporation, who gins cotton for hire or toll, shall keep a book in which they shall regis-

ter all cotton received at their gins to be ginned in the name of the owner thereof; if known, and if not known, then the ginner shall make due and diligent inquiry of the person who delivers said cotton to be ginned, and record in his book the name of the owner as given, and the name of the person from whom the cotton may be received, which book shall also show the date of ginning and the gin number of such bale, which gin number shall begin with number one at the opening of each ginning season, and continue consecutively for each bale ginned by any particular gin, to the close of the season; such register shall be kept open for the inspection of the public.

Section 17. Every person, who gins cotton in this State for hire or toll, shall mark or label in a legible manner, each and every bale ginned by them with the initial letters of the name of the owner and with the consecutive gin number.

Section 18. Any person, who violates any of the provisions of the two preceding sections, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than ten dollars, nor more than one hundred dollars.

Section 19. any person engaged in buying cotton seed, and who also operates or owns a public ginnery, in this State, who shall charge any other or different price for ginning or ginning and wrapping cotton, to any person selling said person the seed out of his cotton from that price which said person charges for ginning or ginning and wrapping the cotton of a person who does not sell said person the seed out of his cotton, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than one hundred dollars, and may also be sentenced to hard labor for the county for a period of not over six months.

Section 20. Any person, or warehouseman, who shall willfully violate any of the laws of this State relating to the classification, stapling, or sampling of cotton, shall be guilty of a misdemeanor.

Section 21. Any person who shall engage in the traffic of seed cotton within the period beginning August 15th and ending December 15th without a license, or who shall fail to keep the book of record as provided by law, shall be guilty of a misdemeanor, and on conviction, shall be punished by a fine not exceeding one hundred dollars, or sentenced to hard labor for the county for a period not exceeding six months, or by both fine and hard labor, at the discretion of the trial judge or jury trying the case.

Section 22. Whenever cotton bought from a factor is removed by the purchaser, his agent, or broker, from the warehouse in which it is stored, to another warehouse, for the purpose

of reweighing, resampling, or examining, and the same, or any part thereof, shall, after such reweighing, resampling, or examining, be rejected, the purchaser, his agent, or broker, must replace the cotton so rejected in the warehouse from which it was removed, in as good order as when it was removed therefrom, and pay all the costs attending such removal and replacing, and for all samples drawn.

Section 23. No more than six ounces of cotton shall be taken from any bale of cotton, under pretext of sampling the same; but after the sale of the cotton, and after the weight thereof has been ascertained and agreed upon, the buyer may take from the bale, at his own loss, six ounces more of cotton, for comparison with the sample by which he bought.

Section 24. Without the consent of the seller, cotton must not be removed from the place where it may be when sold, until the weight thereof has been ascertained.

Section 25. Persons engaged in buying or selling cotton must not pay, or contract to pay, for the sampling thereof, any other than a compensation in money.

Section 26. When cotton in bales is sent by a planter or other owner to a factor for sale, a warranty is implied on the part of such planter or owner to the factor, and the purchaser from such factor respectively, that such cotton is not fraudulently packed; and when cotton is sold by sample by the owner or his factor, that the sample has been fairly drawn, and that the cotton is not fraudulently packed, and no other warranty is thereby implied; and for any breach of such implied warranty, the purchaser may recover damages, either from the owner or factor selling the same; but no action can be brought for any breach of such last mentioned implied warranty, unless the suit is commenced within one year after such sale; but planters shall not be liable, in any way, for losses sustained by factors or commission merchants for having sold cotton by fraudulent or unfair samples, unless such loss was occasioned by plating or fraudulent packing of the cotton by such planter.

ARTICLE 33.

COTTON STANDARDS AND PUBLIC COTTON CLASSERS.

Section 1. The official cotton standards of the United States as established and promulgated from time to time by the Secretary of Agriculture of the United States shall, while they are in effect, be the official cotton standards of this State on which all cotton, which is of, or within the grades of the said official standards, shall be sold in this State.

Section 2. It shall be unlawful, in, or in connection with, any transaction or transactions in commerce, subject to the jurisdiction of this State, or in any publication in this State for any person, firm, association or corporation to indicate the grade of any cotton which is of or within the grades of the said official cotton standards by any name, description, or designation or any system of names, descriptions or designations, not used in said standards, but nothing in this section will prevent the selling of cotton on types or samples.

Section 3. The Commissioner of Agriculture and Industries shall appoint three competent persons, who are licensed as graders of cotton by the Secretary of Agriculture of the United States and who are experienced staplers of cotton, who shall constitute a Board of Examiners, whose duty it shall be to examine applicants for license as public cotton classers. Said Board shall assemble at such times and places as they may be called together by the Commissioner of Agriculture and Industries for the purpose of examining applicants for license as public cotton classers.

Section 4. Applicants for license as public cotton classers, shall apply to said Board, through the Commissioner of Agriculture and Industries in such form as may be designated by him, and shall furnish evidence of their good moral character, and of the experience they have had in the grading and classing of cotton. At a meeting of the Board, said applicants shall be examined touching their qualifications as cotton classers, and shall show such a degree of proficiency as may be required by the Board, to entitle them to be appointed as public cotton classers. Those successful in the examination prescribed by the Board shall be issued a license as "Public Cotton Classer," which license shall be signed by the Board, and attested by the signature and seal of the Commissioner of Agriculture and Industries, and which may continue in full effect. Any licensed public cotton classer who is not engaged in the business of classing cotton during a year, dating from August the first to August the first, shall effect the cancellation of the license and be required to obtain a new license from the Commissioner of Agriculture and Industries before engaging in the business of cotton classing from and after the said date of one year's failure to class cotton. The Commissioner of Agriculture and Industries and the Board shall fix the amount of the examination fee not to exceed ten dollars to be paid by each applicant, which amount shall, after costs of postage and all necessary materials for the examination and issuance of license have been paid, be retained by the Board as their compensation, regardless of the success of the applicant in his examination; and the Board shall receive no compensation from the State.

Section 5. All public cotton classers may at any place within the State of Alabama engage in the business of public cotton classers authorized to class cotton generally and may charge for their services. From and after August 1st, 1921, no person shall be permitted to engage in business as a public cotton classer, classing cotton for the public generally, without holding a license as a public cotton classer. A license shall be issued by the Commissioner of Agriculture and Industries to any person, without examination, who is licensed by the Secretary of the United States Department of Agriculture as a cotton classer, when evidence of such license is presented to the Commissioner of Agriculture and Industries, such license to extend only so long as the license issued and required by the Secretary is in effect. The provisions of this section relating to a license for cotton classing shall not affect the right of anyone to class his own cotton, or of any cotton buyer or other person to class cotton purchased by him for himself, or purchased for another, but apply only to those who are engaged in the business of classing cotton generally for the public.

Section 6. Each public cotton classer shall keep a complete record of cotton classed, and for whom classed, in a well-bound book, and shall issue a certificate to each person showing the class of cotton classed by him. He shall also keep on hand a set of the United States Standard of Cotton Grades, and his books, records, and cotton standards, shall be open to inspection at all reasonable hours.

Section 7. The Commissioner of Agriculture and Industries may suspend or revoke any license issued under authority of the second preceding section whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to classify any bale of cotton correctly, or has violated any of the provisions of this chapter or of the rules and regulations prescribed hereunder, so far as the same may relate to him or that he has used his license or allowed it to be used for any improper purposes whatsoever. Pending investigation, the Commissioner of Agriculture and Industries whenever he deems necessary, may suspend a license temporarily without hearing.

Section 8. Before a license shall be issued to any person, he shall file a bond with the Commissioner of Agriculture and Industries in the sum of one thousand dollars which bond shall meet the approval of the Commissioner of Agriculture and Industries, and which shall be so conditioned as to bind its maker and his sureties to guarantee as approximately correct his work in classing and grading cotton, and the approximate correctness of each statement in every certificate of class and grade he may issue or cause to be issued. It shall also bond the maker and

his sureties to fully and promptly indemnify any person who may sustain financial loss by reason of any false class or grade he may make, or by reason of any untrue or misleading certificate issued by him, or under his authority, with intent to defraud.

Section 9. A certificate of classification of cotton issued by any person licensed as a cotton classer under authority of this article shall be accepted in all the courts of this State as prima facie evidence of the facts stated therein.

Section 10. All warehousemen shall obtain the grade and length of staple from a licensed cotton classer for the storer of any bale of cotton, who makes a written request for the grade and staple, and shall stamp same together with the license number of the classer; on the warehouse receipt of the cotton stored. The said storer shall bear the actual cost of the classing or of the classing and stapling of the cotton stored; and no licensed cotton classer shall charge more than twenty-five cents per bale classed or classed and stapled.

ARTICLE 34.

PUBLIC WAREHOUSES.

Section 1. All buildings, structures or other protected enclosures used for the storage of cotton or other articles of value, for compensation, are hereby declared to be public warehouses and all such warehouses shall be under the supervision of the Commissioner of Agriculture and Industries, whose duty it shall be to enforce the requirement of law relative to public warehouses.

Section 2. The proprietor, lessee, or manager of any public warehouse shall procure each year from the Judge of Probate of the county in which such warehouse is situated, a license permitting him to transact business as a public warehouseman for the storage of cotton or other articles of value, for compensation, under the laws of this State.

Section 3. Such license shall be issued by the Judge of Probate upon written application, verified by affidavit, which shall set forth the location and name of such warehouse and the name of each person interested as owner or principal in the management of the same; or if it be managed or controlled by a corporation, the names of the president, secretary and treasurer of such corporation shall be stated, together with the location of the principal office of such corporation. Such application shall also state the estimated value of the articles stored in such warehouse at the time, during the preceding twelve months, when the value of the articles stored was greatest.

Section 4. Such license shall give authority to carry on and conduct the business of a public warehouse for the storage of

cotton or other articles of value for compensation in accordance with the laws of this State.

Section 5. Such license shall be revocable by the said Judge of Probate upon a legal proceeding before him for that purpose, upon the complaint of any person in writing, setting forth a violation of law or setting forth that the warehouse building, structure, or protected enclosure is not reasonably suitable or adequate for the purpose for which it is used or intended; or setting forth that the business is conducted in such manner that the interests of persons who may store articles in such warehouse, ~~are not properly safeguarded and protected.~~ Upon satisfactory proof of the statements in such complaint being made in such manner as may be directed by the Judge of Probate, such license shall be revoked by him.

Section 6. The person receiving a license under the provisions of this Article shall file with the said Judge of Probate, issuing said license, a bond, to be approved by said Judge, with some surety company that has complied with the laws of the State of Alabama as surety, and payable to the State of Alabama in sum equivalent to 5 per cent of the estimated value of the articles stored in the warehouse at the time, during the preceding twelve months when the value of the articles stored was greatest, but such sum shall in no event be less than five thousand dollars, nor shall it be greater than fifty thousand dollars. This bond shall be conditioned by the faithful performance of his or its duties as a public warehouseman for the storage of cotton or other articles of value for compensation during the period covered by said license.

Section 7. Such bond shall be filed and recorded by the Probate Judge of said county, in which the warehouse is located, in a suitable book to be kept for such purpose; and the probate judge shall receive for his services in recording said bond fifteen cents per hundred words, and for issuing the license shall receive the sum of fifty cents, and for approving the bond shall receive the sum of one dollar, to be paid by the person applying for the license before the issuance of the same. The Judge of Probate within ten days after issuing any license to a public warehouseman shall transmit a copy of the application for license, and a copy of the bond to the Commissioner of Agriculture and Industries.

Section 8. Any person aggrieved may sue on the said bond in his own name for the breach thereof until the penalty is exhausted.

Section 9. Every public warehouseman receiving property of any kind for safe keeping, for hire or reward, must on delivery to him or it of such property, issue in favor of the person

from whom received, a receipt therefor, which shall comply with the requirements of the laws of this State.

Section 10. Any public warehouseman who has procured or may hereafter procure a license as a warehouseman, issued by the Secretary of Agriculture of the United States in accordance with the provisions of the Act of Congress known as the United States Warehouse Act, shall be exempt from the provisions of Section 6 of this Article in regard to the execution of a bond, so long as such license issued in accordance with the laws of the United States remains in full force and effect.

ARTICLE 35.

UNIFORM LAW OF WAREHOUSE RECEIPTS.

Section 1. Warehouse receipts may be issued by any warehouse.

Section 2. Warehouse receipts need not be in any particular form, but every such receipt must embody within its written or printed forms—(1) The location of the warehouse where the goods are stored; (2) the date of issue of the receipt; (3) the consecutive number of the receipt; (4) a statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order; (5) the rate of storage charges; (6) a description of the goods or of the packages containing them; (7) the signature of the warehouseman, which may be made by his authorized agent; (8) if the receipt is issued for goods for which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership, and (9) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman, or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred, and the purpose thereof, is sufficient. A warehouseman shall be liable to any person injured thereby, for all damages caused by the omission from a negotiable receipt of any of the terms herein required.

Section 3. A warehouseman may insert in a receipt issued by him, any other terms and conditions, provided such terms and conditions shall not (1) Be contrary to the provisions of this Article. (2) In any wise impair his obligation to exercise that degree of care in the safekeeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

Section 4. A receipt in which it is stated that the goods received will be delivered to the depositor, or to any other specified person, is a non-negotiable receipt.

Section 5. A receipt in which it is stated that the goods received will be delivered to the bearer or to the order of any person named in such receipt is a negotiable receipt. No provision shall be inserted in a negotiable receipt that is non-negotiable. Such provision, if inserted, shall be void.

Section 6. When more than one negotiable receipt is issued for the same goods, the word "duplicate" shall be plainly placed upon the face of every such receipt, except the one first issued. ~~A warehouseman shall be liable for all damage caused by his failure so to do to any one who purchased the subsequent receipt for value supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.~~

7. A non-negotiable receipt shall have plainly placed upon its face by the warehouseman issuing it "non-negotiable" or "not negotiable." In case of the warehouseman's failure so to do, a holder of the receipt who purchased it for value supposing it to be negotiable, may, at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable. This section shall not apply, however, to letters, memoranda, or written acknowledgments of an informal character.

Section 8. A warehouseman, in the absence of some lawful excuse provided by this Article, is bound to deliver the goods upon a demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with (1) An offer to satisfy the warehouseman's lien. (2) An offer to surrender the receipt, if negotiable, with such indorsements as would be necessary for the negotiation of the receipt, and (3) A readiness and willingness to sign when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the warehouseman. In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal.

Section 9. A warehouseman is justified in delivering the goods, subject to the provisions of the three following sections, to one who is (1) The person lawfully entitled to the possession of the goods, or his agent; (2) A person who is either himself entitled to delivery by the terms of a non-negotiable receipt issued for the goods, or who has written authority from the person so entitled either indorsed upon the receipt or written upon

another paper; (3) A person in possession of a negotiable receipt by the terms of which the goods are deliverable to him or order, or to bearer, or which has been indorsed to him or in blank by the person to whom delivery was promised by the terms of the receipt, or by his mediate or immediate indorsee.

Section 10. When a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them, the warehouseman shall be liable as for conversion to all having a right of property or possession in the goods if he delivered the goods otherwise than as authorized in subdivisions 2 and 3 of the preceding section and though he delivered the goods as authorized by said subdivisions he shall be liable, if prior to such delivery he had either (1) been requested by or on behalf of the person lawfully entitled to a right of property or possession in the goods not to make such delivery, or (2) had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods.

Section 11. Except as provided in Section 41, where a warehouseman delivers goods for which he had issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver the goods to him, whether such purchaser acquired title to the receipt before or after the delivery of the goods by the warehouseman.

Section 12. Except as provided in Section 41, where a warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipt, or to place plainly upon it a statement of what goods or packages have been delivered, he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipts, whether such purchaser acquired title to the receipt before or after the delivery of any portion of goods by the warehouseman.

Section 13. The alteration of a receipt shall not excuse the warehouseman who issued it from any liability if such alteration was (1) immaterial; (2) authorized, or (3) made without fraudulent intent. If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt, as they were before alteration. Material and fraudulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver, according to the terms of the receipt as originally issued, the goods for which it is issued, but shall excuse him from any other liability to

the person who made the alteration and to any person who took with notice of the alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire rights against the warehouseman which such purchaser would have acquired if the receipt had not been altered at the time of the purchase.

Section 14. Where a negotiable receipt has been lost or damaged, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient sureties to be approved by the court to protect the warehouseman from any liability or expense, which he or any person injured by such delivery may incur by reason of the original receipt remaining outstanding.

Section 15. The court may also in its discretion order the payment of the warehouseman's reasonable costs and counsel fees.

Section 16. The delivery of the goods under an order of the court as provided in this Article shall not relieve the warehouseman from liability to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

Section 17. A receipt upon the face of which the word "duplicate" is plainly placed is a representation and a warranty by the warehouseman that such receipt is an accurate copy of an original receipt properly issued and uncanceled at the date of the issue of the duplicate, but shall impose upon him no other liability.

Section 18. No title or right to the possession of the goods, on the part of the warehouseman, unless such title or right is derived directly or indirectly from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt.

Section 19. If more than one person claims the title or possession of the goods, the warehouseman may, either as a defense to an action brought against him for non-delivery of the goods, or as an original suit, which ever is appropriate, require all known claimants to interplead.

Section 20. If some one other than the depositor or person claiming under him has a claim to the title or possession of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver the goods, either to the depositor or person claiming under him, or to the adverse claimant until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim

or to bring legal proceedings to compel all claimants to interplead.

Section 21. Except as provided in the two preceding sections and in Sections 9 and 41, no right or title of a third person shall be a defense to an action brought by the depositor or person claiming under him against the warehouseman for failure to deliver the goods according to the terms of the receipt.

Section 22. A warehouseman shall be liable to the holder of a receipt for damages caused by the non-existence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or that the packages containing the goods are said to contain goods of a certain kind, or words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor.

Section 23. A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise, but he shall not be liable, in the absence of an agreement to the contrary, for any loss or injury to the goods, which could not have been avoided by the exercise of such care.

Section 24. Except as provided in the following section, a warehouseman shall keep the goods so far separate from goods of other depositors, and from other goods of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the goods deposited.

Section 25. If authorized by agreement, or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole.

Section 26. The warehouseman shall be severally liable to each depositor for the care and redelivery of his share of such mass to the same extent and under the same circumstances as if the goods had been kept separate.

Section 27. If the goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they cannot thereafter, while in possession of the warehouseman, be attached for

garnishment or otherwise, or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman, or its negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court.

Section 28. A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such receipt or in satisfying the claim by means thereof as is ~~allowed at law in equity, in regard to property which cannot readily be attached or levied upon by ordinary legal process.~~

Section 29. Subject to the provisions of Section 32, a warehouseman shall have a lien on goods deposited or on the proceeds thereof in his hands, for all lawful charges for storage, and preservation of the goods; also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, cooperating and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice, and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien.

Section 30. Subject to the provisions of Section 32 a warehouseman's lien may be enforced (1) against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is asserted, and (2) against all goods belonging to others which have been deposited at any time by the person who is liable as debtor for the claims in regard to which the lien is asserted, if such person has been so entrusted with the possession of the goods that a pledge of the same by him at the time of deposit to one who took the goods in good faith for value would have been valid.

Section 31. A warehouseman loses his lien upon goods (1) by surrendering possession thereof, or (2) by refusing to deliver the goods when a demand is made with which he is bound to comply under the provisions of this Article.

Section 32. If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for charges for storage of those goods subsequent to the date of the receipt unless the receipt expressly enumerates other charges for which a lien is claimed. In such case, there shall be a lien for the charges enumerated so far as they are within the terms of Section 29 although the amount of the charges so enumerated is not stated in the receipt.

Section 33. A warehouseman having a lien valid against the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied.

Section 34. Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against his debtor for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay.

Section 35. A warehouseman's lien for a claim which has become due may be satisfied as follows: The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered mail addressed to the last known place of business or abode of the person to be notified. The notice shall contain (1) an itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due. (2) A brief description of the goods against which the lien exists. (3) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue, shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail, and (4) a statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

Section 36. In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein.

Section 37. From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement, and sale. The balance, if any, of such proceeds shall be held by the warehouseman and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

Section 38. At any time before the goods are so sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien, and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this Article, to the possession of the goods on payment of charges thereon. Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

Section 39. If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, breakage, inflammability, or explosive nature, will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods, and to remove them from the warehouse, and in the event of the failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale, without advertising. If the warehouseman, after a reasonable effort, is unable to sell such goods, he may dispose of them in any lawful manner and shall incur no liability by reason thereof. The proceeds of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding sections.

Section 40. The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property.

Section 41. After goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor, or owner of the goods, or to a holder of the receipt given for the goods when they were deposited, even if such receipt be negotiable.

Section 42. A negotiable receipt may be negotiated by delivery—(1) where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the bearer, or (2) where, by the terms of the receipt the warehouseman undertakes to deliver the goods to the order of a specified person and such person or a subsequent indorsee of the receipt has indorsed it in blank or to bearer, where, by the terms of a negotiable receipt the goods

are deliverable to bearer or where a negotiable receipt has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case, the receipt shall thereafter be negotiated only by the indorsement of such indorsee.

Section 43. A negotiable receipt may be negotiated by the indorsement of the person to whose order the goods are, by the terms of the receipt, deliverable. Such indorsement may be in blank, to bearer, or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiations may be made in like manner.

Section 44. A receipt which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. A non-negotiable receipt cannot be negotiated, and the indorsement of such a receipt gives the transferee no additional right.

Section 45. A negotiable receipt may be negotiated—(1) by the owner thereof, or (2) by any person to whom the possession or custody of the receipt has been entrusted by the owner, if, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of the person to whom the possession or custody of the receipt has been entrusted, or if at the time of such entrusting the receipt be in such form that it may be negotiated by delivery.

Section 46. A person to whom a negotiable receipt has been duly negotiated acquires thereby—(1) such title to the goods as the person negotiating the receipt to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value, and (2) the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him.

Section 47. A person to whom a receipt has been transferred but not negotiated acquires thereby, as against the transferor the title of the goods, subject to the terms of any agreement with the transferor. If the receipt is non-negotiable, such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt.

Section 48. Prior to the notification of the warehouseman by the transferor or transferee of a non-negotiable receipt, the title of the transferee to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of

an attachment or execution upon the goods by a creditor of the transferor, or by a notification to the warehouseman by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

Section 49. Where a negotiable receipt is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to endorse the receipt, unless a contrary intention appears. The negotiation shall take effect as of the time when the endorsement is actually made.

Section 50. A person who for value negotiates or transfers a receipt by endorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants: (1) that the receipt is genuine. (2) That he has a legal right to negotiate or transfer it. (3) That he has knowledge of no fact which would impair the validity or worth of the receipt, and (4) that he has a right to transfer the title to the goods and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby.

Section 51. The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfill their respective obligations.

Section 52. A mortgagee, pledgee, or holder for security of a receipt who in good faith demands or receives payment of the debt for which receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt, or the quantity or quality of the goods therein described.

Section 53. The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake, or duress to entrust the possession or custody of the receipt to such person, if the person to whom the receipt was negotiated, or a person to whom the receipt was subsequently negotiated, paid value therefor, without notice of the breach of duty, or fraud, mistake, or duress.

Section 54. Where a person having sold, mortgaged, or pledged goods which are in a warehouse, and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotia-

tion thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, mortgage or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

Section 55. Where a negotiable receipt has been issued for goods, no seller's lien or right of stoppage in transit shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiation be prior or subsequent to the notification to the warehouseman who issued such receipt of the seller's claim to a lien or right of stoppage in transit. Nor shall the warehouseman be obliged to deliver or justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation.

Section 56. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues, or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

Section 57. A warehouseman, or any officer, agent or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Section 58. A warehouseman, or any officer, agent or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word, "duplicate" except in the case of a lost or destroyed receipt after proceedings as provided for in Sections 14, 15, and 16, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years or by a fine not exceeding five thousand dollars, or by both.

Section 59. Where there are deposited with or held by warehouseman goods of which he is the owner, either solely or jointly or in common with others, such warehouseman or any of his officers, agents, or servants, who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of a crime, and

upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Section 60. A warehouseman, or any officer, agent, or servant of a warehouseman who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt, the negotiation of which would transfer the right to the possession of such goods is outstanding and uncanceled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except in the cases provided for in Sections 14, 15, 16 and 41, be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Section 61. Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiated for value with intent to deceive and without disclosing his want of title or the existence of a lien or mortgage must on conviction be punished as if he had stolen the same.

Section 62. In any case not provided for in this Article, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern.

Section 63. This Article shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 64. (1) In this Article, unless the context or subject matter otherwise requires—"action" includes counter claim, set off and suit in equity. "Delivery" means voluntary transfer of possession from one person to another. "Fungible goods" means goods of which any unit is from its nature or by mercantile custom, treated as the equivalent of any other unit. "Goods" means chattels or merchandise in storage, or which has been or is about to be stored. "Holder" of a receipt means a person who has both actual possession of such receipt and a right of property therein. "Order" means an order by indorsement on the receipt. "Owner" does not include the mortgagee or pledgee. "Person" includes a corporation or partnership or two or more persons having a joint or common interest. To "purchase" includes to take as mortgagee or as pledgee. "Purchaser" includes mortgagee and pledgee. "Receipt" means a warehouse receipt. "Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a receipt is taken either in satisfaction thereof or as security therefor. "Warehouse-

man" means a person lawfully engaged in the business of storing goods for profit. (2) A thing is done in "good faith" within the meaning of this Article when it is in fact done honestly, whether it be done negligently or not.

Section 65. The provisions of this Article do not apply to receipts made and delivered prior to the 25th day of September, 1915.

Section 66. This Article may be cited as the Uniform Warehouse Receipts Act.

ARTICLE 36.

LIMESTONE.

Section 1. With the approval of the Governor, the State Board of Agriculture is hereby authorized and directed, for the purpose of furnishing marl or ground limestone to the farmers of the State, to make such arrangements as they deem advisable for this purpose, and to this end may lease or purchase oyster shells in large quantities and beds of limestone, and erect machinery suitable for the preparation of the material for use by the farmers; and any lime so prepared and any by-product shall be sold for agricultural purposes to the citizens of the State at a cost which shall produce an amount of money sufficient to maintain and operate the plant.

Section 2. With the approval of the Governor, when requested by the State Board of Agriculture, the Superintendent of the Penitentiaries may furnish a superintendent with a squad of convicts for such work as the Commissioner of Agriculture and Industries, with the authority of the Board, may deem necessary to mine, prepare, load and dispose of the material. The State Board of Agriculture shall pay the State quarterly such amount as shall be agreed upon by the Superintendent of the Penitentiaries and the State Board of Agriculture for their work, out of the proceeds of the sales and the State shall guard, feed, clothe and work the convicts.

Section 3. The State Board of Agriculture is authorized to make all regulations necessary to execute the provisions of this Article and shall report annually to the Governor and furnish him itemized statements of the receipts and expenditures, which shall be published.

Section 4. All pulverized limestone and marl, or mixtures of same with inert materials, sold for agricultural purposes in Alabama, shall have the analyses guaranteed by the manufacturers.

Section 5. These analyses shall show the percentage of calcium carbonate and the percentage of magnesium carbonate in the finished product.

Section 6. Limestone or marl offered or exposed for sale to the farmers of Alabama for agricultural purposes must show the minimum and maximum percentage of (a) total lime (calcium oxide), (b) total magnesia (magnesium oxide), (c) lime, combined as carbonates (calcium carbonate), (d) magnesia, combined as carbonates (magnesium carbonates), (e) lime sulphate (in gypsum or land plaster); and the several constituents shall be determined by the methods adopted by the association of official agricultural chemists.

Section 7. All pulverized limestone (except shell marl) offered or exposed for sale to the farmers of Alabama for agricultural purposes shall be ground to a sufficient degree of fineness to pass a screen of not less than fourteen meshes to the linear inch.

Section 8. All manufacturers of ground limestone and marl who shall offer any of their goods for sale in this State shall annually register with the Commissioner of Agriculture, along with a statement of the analysis of the finished product, a statement showing the name and general average composition of the raw material—limestone, oolitic limestone, marl, etc., from which the finished product is manufactured.

Section 9. The State Board of Agriculture is hereby authorized, empowered and directed to inspect any and all quarries, grinders, and other places of manufacture, as well as any and all consignments of pulverized limestone and marl shipped into Alabama for agricultural purposes, with a view to enforcing the provisions of this Article.

Section 10. All persons or firms failing to register their goods before the first of July each year, or failing to comply with the provisions of this Article, shall be guilty of a misdemeanor and, on conviction, shall be fined not less than ten nor more than fifty dollars for the first offense, and not less than one hundred dollars for each subsequent offense.

ARTICLE 37.

LIVE STOCK, POWERS OF STATE BOARD OF AGRICULTURE RELATING THERETO.

Section 1. The powers and duties of the Live Stock Sanitary Board, as established and provided for by Chapter 22, Article 4, of the Code of 1907, and as subsequently amended, and transferred by Article 4, of this Act, to the State Board of Agriculture, created by Article 2, Section 1 of this Act, (and the provisions thereof), are hereby revised and amended to read as hereinafter provided in this Article.

Section 2. The State Board of Agriculture shall have full power to make or enact such rules and regulations as may be

deemed necessary for governing the movement, transportation, or disposition of live stock that may be quarantined as hereinafter provided on account of being affected with, or exposed to, a contagious, or communicable disease, or on account of being infected or infested with the carrier or carriers of the cause of a contagious, infectious or communicable disease of live stock. The rules and regulations purporting to be published by authority of the State Board of Agriculture in book or pamphlet form, shall be received as evidence of the passage and legal publication of such rules and regulations as of the date mentioned or provided for therein, in all courts and places without further proof. A copy of said rules and regulations shall be furnished by the Commissioner of Agriculture and Industries to all probate judges immediately after their adoption by the State Board of Agriculture.

Section 3. The State Board of Agriculture may make rules and regulations governing the manufacture, sale, distribution, handling and keeping and use of all veterinary, biological products and serums and also the disposal of dead carcasses, infectious and toxic meats and feeds.

Section 4. The Dean of the Veterinary College of the Alabama Polytechnic Institute shall be the State Veterinarian of Alabama and shall receive the same compensation and expenses as now provided by law, and he shall exercise all the powers vested in the Commissioner of Agriculture and Industries in the enforcement of the provisions of this Article.

Section 5. The State Veterinarian shall, with the advice of the State Board of Agriculture, nominate, and, when approved by said Board, shall appoint as many assistant State veterinarians and State live stock inspectors as they may deem necessary and as the funds at their disposal shall permit.

Section 6. The State Veterinarian, or an assistant veterinarian, or State live stock inspector, shall quarantine a stall, lot, yard, pasture, field, town, city, township, county, or any part of the State of Alabama, when he shall determine the fact that live stock in such place or places are infected with a contagious, infectious, or communicable disease, or when said live stock are infested or infected, with the carrier or carriers, of a contagious, infectious or communicable disease. The State Veterinarian, or an assistant veterinarian, or live stock inspector, shall issue written or printed notice of the establishment of said quarantine to the owners or keepers of said live stock, and to any officer or agent of a railroad, steamboat, truck, or other transportation companies doing business in or through the quarantined part or parts of the State, which notice must be executed by the State Veterinarian, or assistant veterinarian, or by any live stock in-

spector, by leaving a copy of said notice with the owners or keepers of said live stock, and with any officer or agent of a railroad, steamboat, truck, or other transportation company doing business in or through the quarantined part or parts of the State, and shall return the fact of such service on the original notice. Said original notice and return thereof shall be received as evidence of its legal service thereof on the dates mentioned therein in all courts, proceedings and places without further proof.

Section 7. No railroad company, or the owners or masters of any steam or other vessel or boat, or other transportation company, shall receive for transportation or shall transport live stock from any quarantined district into any other part of Alabama, except as hereinafter provided. No person, company or corporation shall deliver live stock for transportation to any railroad company or sailing or steam vessel or boat or other transportation company, in a quarantined district of Alabama, except as hereinafter provided. No person, company or corporation shall drive or cause to be driven live stock on foot, or transport live stock in a private conveyance, or cause live stock to be transported in a private conveyance from a quarantined district to a non-quarantined part of Alabama, except as hereinafter provided. Live stock may be moved within the limits of a quarantined district or from a quarantined district in Alabama only under and in compliance with the rules and regulations of the State Board of Agriculture. It shall be unlawful to move or allow to be moved any live stock from one place to another within the limits of a quarantined district or from a quarantined to a non-quarantined district of Alabama, in any other manner or method, or under any conditions other than prescribed by the rules and regulations of the State Board of Agriculture.

Section 8. All live stock, when brought into Alabama by a person, company or corporation, railroad or other transportation companies, shall be accompanied by a certificate of health, and said certificate shall state that said animal or animals are free from contagious, infectious or communicable disease and the carrier or carriers, of the cause or causes of such diseases. This certificate must be made by a qualified veterinarian immediately after he has personally examined the live stock and before the live stock have been shipped into Alabama. This certificate shall be attached to, and accompany, the shipping bill of the live stock to the place to which the live stock are shipped, and the owner of the live stock, or agent of the transportation company shall mail or send said certificate to the State Veterinarian immediately following the arrival of the live stock at its place of destination. The State Veterinarian shall furnish qualified veterinarians with blank health certificates at actual cost.

Section 9. Owners, renters or parties in possession of quarantined live stock or quarantined places shall follow the directions in the rules and regulations of the State Board of Agriculture in cleansing and disinfecting infected live stock and infested or infected quarantined places, and in destroying the carriers of the cause of a contagious, infectious or communicable disease, the infested or infected live stock and quarantined places. Said cleaning of said live stock and the disinfecting of said places, and destroying of said carriers, shall be done by the owners of the persons in possession of the infected or infested live stock and places, in a reasonable time after receiving a written or printed notice from the State Veterinarian, and assistant State veterinarian or a live stock inspector.

Section 10. The State Veterinarian, the assistant State veterinarian, and the State live stock inspectors, may enter upon the premises or into any barns or other buildings where live stock are kept or found in the State of Alabama in the discharge of the duties prescribed in this Article. No person, or persons shall, assault, resist, oppose, prevent, impede, or interfere with the State Veterinarian, and assistant State veterinarian or a State live stock inspector in the execution of his or their duties, or on account of the execution of his or their duties.

Section 11. The work of suppression or eradication of any infectious, contagious, or communicable disease of live stock shall be taken up under the provisions of this Article in any county or any part of a county or any part of the State of Alabama, when the State Board of Agriculture deem it best. The county commissioners of any county in which the State or Federal authorities take up the work of tick eradication or the suppression of any infectious, contagious, or communicable disease of live stock, may appropriate for aiding in such work, such sums as the county commissioners may deem adequate and necessary.

Section 12. The State Board of Agriculture may appoint or elect the Federal veterinarians and live stock inspectors who are doing work in Alabama, as assistant State veterinarians and State live stock inspectors, provided they consent to act without pay from the State of Alabama.

Section 13. The judges of the circuit courts shall give the preceding sections in special charge to each grand jury empanelled in this State, and such grand jury shall be clothed with, and authorized to, exercise inquisitorial powers for the carrying out and enforcement of this Article.

Section 14. The State Board of Agriculture shall make an annual report to the Governor of Alabama, giving a full account of the work done and a detailed report of the money expended.

Section 15. State-wide tick eradication shall be taken up in all counties that shall be at any time partially or completely tick infested, under the State Board of Agriculture as hereinafter provided in this Article, and as provided in all other laws or parts of laws of Alabama not in conflict with this Article.

Section 16. The county commissioners or county board of revenue of each county in Alabama shall provide or install or build, in their respective counties, the necessary number of concrete dipping vats and also provide the necessary chemicals, solutions and all other materials required for making, filling, replenishing and operating the required number of dipping vats. ~~Each county shall furnish all the materials required for keeping~~ the required vats filled with a standard tick killing arsenical dip having the composition and strength as required by the regulations of the State Board of Agriculture, and of the United States Bureau of Animal Industry.

Section 17. The required number of dipping vats in a county shall be determined by the State Veterinarian and the State and Federal inspectors in charge of tick eradication in the county. Any person who already has a dipping vat shall be allowed to use same for dipping his own or neighbor's cattle under the supervision of the regular authorities.

Section 18. The county commissioners or county board of revenue in each county shall pay a reasonable salary to as many inspectors as shall be required in the county, and the required number to guard county lines, look after isolated vats, quarantined ranges, and premises and quarantined cattle. The inspectors paid by the county shall be determined and appointed and commissioned by the State Veterinarian with the advice and approval of the State Board of Agriculture, as State inspectors, and they shall work under the direction of the State Veterinarian, or the State and Federal inspector in charge of the county.

Section 19. Every person, firm, company or corporation having in possession or in charge as owner, agent or otherwise one or more cattle in a tick infested or quarantined county or on a tick infested or quarantined premise, range, farm or pasture, that has not been released from State and Federal quarantine, shall dip the cattle regularly once every two weeks on the day and at the vat specified by the inspector in charge of the vat most convenient or nearest to the cattle. The live stock inspector shall issue one printed or written dipping notice to the person or persons in charge or in possession of the cattle and shall serve said notice by leaving a copy of said notice with the person or persons in charge of or in possession of the cattle and shall make a return of said service on the original of said notice and the serving of said dipping notice shall be legally sufficient

to require the owner, agent, firm or person in charge to dip the cattle regularly every two weeks until released from quarantine, and said original dipping notice and the endorsement of the service thereon shall be received as evidence of the service thereof on the date mentioned therein in all courts, proceedings, and places, without further proof.

Section 20. All horses, mules and asses kept in tick infested lots, pens, pastures, or ranges shall be dipped regularly every two weeks, in the same way and under the same requirements as for cattle, until released from State or Federal quarantine.

Section 21. All stray cattle, horses, mules and asses running at large, or quarantined on tick infested ranges, commons, pastures, or fields, if such cattle, horses, mules, and asses have not been dipped as provided herein shall be taken up by the sheriff, any constable or live stock inspector, quarantined and dipped regularly once every two weeks and fed and cared for at the expense and risk of the owner of the animals. The sheriff, any constable or live stock inspector, shall apply to any justice of the peace to have the animals condemned as strays and sold at public auction. The justice of the peace shall post notices of the sale of the animals in three public places in the precincts where the stock is taken up and in one county paper, if one is published in said county, giving the time and place of the sale, and the sale shall not be made until ten days after the notices have been posted and printed. The proceeds of the sale shall go to pay all the costs of taking up, feeding, confining, selling and dipping, and if there be a balance it shall go into the county treasury to be applied on tick eradication. Every one of the animals mentioned in this section whose owner cannot be found by the inspector shall be regarded as a legal stray and subject to the provisions of this Article. The owner may redeem the animal within thirty days after sale by proving ownership to the court and paying the purchase price and all cost.

Section 22. No ticky cattle, horses, mules, or asses shall be driven, moved or transported in any way into Alabama.

Section 23. The county commissioners or county board of revenue in a county released from State or Federal quarantine shall provide and pay a reasonable salary to one or more inspectors or as many inspectors as shall be required to guard exposed county boundary lines, to look after local quarantined premises, ranges, pens, lots, pastures, or fields, and, when necessary, supervise the filling and replenishing of dipping vats, the dipping of quarantined cattle, horses, mules or asses. When a county becomes reinfested with tick, that county shall pay the expenses of disinfection of all infested places, premises, ranges and cattle under the direction of the State veterinarian or a State

inspector according to law and the regulations of the State Board of Agriculture.

Section 24. All cars in which animals are transported in Alabama, shall be cleaned and disinfected at the expense of the railroad company after each time of use or before the cars are used to transport other animals.

Section 25. If any court of county commissioners or board of revenue of a county shall refuse to make adequate appropriations, or provisions to execute in good faith this law, any State inspector or owner of cattle, may apply to a circuit judge for a writ of mandamus to compel a faithful compliance with this and all other laws cognate thereto, and the judge shall hear the application at any time, or place where he may be, after one day's notice to the court or board, and a failure to obey promptly the command of the writ shall be a misdemeanor, as well as a contempt.

ARTICLE 38.

STOCK BREEDERS PROTECTION AGAINST BOGUS OR FRAUDULENT PEDIGREES.

Section 1. In order to protect farmers in this State against damage resulting from breeding to sires advertised with bogus or fraudulent pedigrees, and to secure to the owners of sires payment for service, the following provisions are enacted: That every owner of a sire charging a service fee, in order to have a lien upon the get of any such sire under the provisions of this Article for said services, shall file a statement, verified by oath or affirmation to the best of his knowledge and belief, with the Commissioner of Agriculture and Industries, giving the name, age, description and pedigree, as well as the terms and conditions upon which sure sire is advertised for service.

Section 2. The Commissioner of Agriculture and Industries, upon the receipt of the statement as specified in Section 1 of this Article, duly verified by affidavit, shall issue a certificate to the owner of said sire, a copy of which certificate shall be forwarded to the probate judge of the County Court in which said sire is stationed or located, and another copy furnished the applicant, which shall be posted by the owner in a conspicuous place where said sire may be stationed, which certificate shall state the name, age, description, pedigree and ownership of said sire, the terms and conditions upon which the sire is advertised for service, and that the provisions of this Article so far as relates to the filing of the statement aforesaid, have been complied with.

Section 3. The owner or owners of any sire receiving such certificate by complying with Section 1 of this Article, shall

obtained and have a lien upon the get of any such sire for the period of one year from the date of birth of get.

Section 4. No get of any such sire shall be exempt from levy and sale under execution issued upon a judgment obtained in any court of competent jurisdiction for said service.

Section 5. The State Board of Agriculture is authorized to fix a charge for such certificate, not to exceed two dollars, as may be necessary to cover the expense incident to the executing the provisions of this Article.

Section 6. The Commissioner of Agriculture and Industries shall have such a number of the annual reports printed and bound as may be deemed advisable by the State Board of Agriculture to obtain the greatest benefit to the breeders of improved stock in this State, under the provisions of this Article, said reports to contain copies of certificates issued, and such other data of special interest to live stock breeders as said Board of Agriculture may designate for publication therein.

Section 7. Any person, who by false pretense, shall obtain from any club, association, society or company for improving the breed of cattle, horses, sheep, swine, or other domestic animals, a certificate of registration of any animal in the herd registered, or other register of any such club, association, society or company, or a transfer of any such registration, and every person who shall knowingly give a false pedigree of any animal, upon conviction thereof, shall be fined not exceeding \$1,000, nor less than \$25.00, or imprisonment in the county jail, for a period not exceeding one year, or both, in the discretion of the court.

ARTICLE 39.

ESTRAYS.

Section 1. Any person in this State finding any horse, mule, jack, jennet, cattle, hog, sheep, goat, or other live stock, running at large on his lands or premises, or on the lands or premises of which he has charge, the owner of which is unknown, may take such animal up as an estray.

Section 2. It shall be the duty of such person taking up an estray, as defined in the preceding section, to, within three days thereafter, give notice in writing to a justice of the peace of the precinct in which such estray was found, giving a description stating the kind, size, mark, color and approximate age of each such estray.

Section 3. Such justice of the peace must file such notice in a book to be kept by him for that purpose, and he may post a notice in three public places in the precinct stating that such estray has been taken up, giving a description of each such

estrays, the name of the taker, and the place, day and time such estray will be sold, as provided herein, provided such time of sale shall be at least thirty days after posting the notice as required herein.

Section 4. If the owner of such estray shall claim the same before such sale, upon satisfactory evidence of ownership and the payment of all reasonable costs of taking up, notice, care and justice fees, the taker shall, upon written order of the justice of the peace, deliver the estray to the owner thereof.

Section 5. Upon the failure of the owner, or his agent, to claim such estray, the justice of the peace shall, at the place and time stated in the posted notice, sell such estray at public outcry, to the highest bidder for cash, when title to such estray shall vest in said successful bidder.

Section 6. The proceeds of such sale shall be applied: First, to the reasonable cost of taking up and care of such estray to the taker. Second, to the payment of the justice of the peace for his fee, which shall not exceed one dollar for each estray, and shall for any number of estrays listed in one notice, or sold, as provided herein, not exceeding five dollars. The balance shall be paid to the treasurer of the county and by him placed in the general fund of such county.

Section 7. If, within one year after the sale, as provided herein, the owner of such estray shall file a claim with the Court of County Commissioners, or court of like jurisdiction, and furnish satisfactory evidence of previous ownership of such estray, and shall pay all costs of taking up, care and fees for the sale of such estray, the Court of County Commissioners, or court of like jurisdiction, shall issue an order on the county treasurer for the amount certified to the treasurer, and it shall be the duty of the treasurer to pay such amount to the owner upon such order.

ARTICLE 40.

DRAINAGE.

Section 1. The purposes of this Article are to promote the public health, convenience and welfare by leveeing, ditching and draining the wet, swamp and overflowed lands of the State of Alabama; to provide for the establishment of levee or drainage districts and sub-districts thereof, for the purpose of enlarging or changing any natural watercourses and for digging ditches or canals for securing better drainage or providing better outlets for drainage; to provide for building levees or embankments and installing tide gates or pumping plants for the reclamation of overflowed lands, and prescribing a method for so doing; to define offenses against drainage districts and providing penal-

ties therefor; to confer the right of eminent domain to the extent necessary to carry out the purposes of this Article; to provide for the assessment and collection of the costs and expenses of installing drainage systems and issuing and selling bonds therefor, and for the care and maintenance of such improvements when constructed, not in excess of the increased value of such property by reason of the special benefits derived from such improvements; to confirm and validate proceedings had (prior to the approval of this Act) and bonds issued under the provisions of the Drainage Act approved March 4, 1915; and to continue the pending processes under the Act approved March 4, 1915 by conforming them to the processes and proceedings prescribed by provisions therefor made in this Article.

Section 2. The Court of Probate of any county of the State of Alabama shall have jurisdiction, power and authority to establish drainage districts as hereinafter provided; and to locate and establish levees, drains, or canals; and cause to be constructed, straightened, widened, or deepened, any ditch, drain or water-course; and to build levees or embankments, construct outlets, and erect tide gates, flood gates and pumping plants, for the purpose of draining and reclaiming wet, swamp, or overflowed lands; and it is hereby declared that the drainage of surface water and the reclamation of wet lands, swamp lands, overflowed lands, and tidal marshes, shall be considered a public benefit and conducive to the public health, convenience, utility and welfare.

Section 3. The Court of Probate shall keep a complete record of all its proceedings under this Article in a book to be used for the purpose only. The book shall be designated as the "Drainage Record of.....County, Alabama," and shall also have recorded therein all bond orders, papers, proofs of publication, auditors and drainage commissioners reports, documents, bonds and flats filed in any drainage proceedings in the Probate Court of that county, except the Drainage Tax Record and the Drainage Tax Books.

Section 4. Whenever a petition praying for the organization of a drainage district, and signed by a majority of the land-owners owning more than one-third of the land in acreage in a proposed district, or by at least one-third of the persons owning more than half the land in acreage in a contiguous body of wet, swamp, or overflowed land, or land subject to overflow, shall be filed with the Court of Probate of such county in which such lands are located or if such lands be composed of tracts or parcels situated in two or more counties then in the office of the Court of Probate of the county in which there is situated more of said land than in any other county said petition setting forth that any specific body or district of land in the county or county and ad-

joining counties, described in such a way as to convey an intelligent idea as to location of such land, is subject to overflow or too wet for cultivation or other use, and that the public benefit or utility, or the public health, convenience or welfare will be promoted by drainage, ditching or leveeing the same, or by changing or improving the natural water courses, or by the installation of tile systems, pumping plants, tide gates or any other methods of drainage or flood control, it shall be the duty of the Court of Probate forthwith to appoint a competent civil or agricultural engineer, experienced in drainage engineering, provided that whenever the owners of a majority in acres of the land comprising the district petition the court for the appointment of any person qualified under this law to act as engineer, it shall be the duty of the court to appoint such engineer. The court shall determine the rate of compensation to be paid the engineer for preliminary surveys and report and shall provide funds for payment of engineering and other expenses incidental to the proceedings, as hereinafter provided. The engineer so appointed shall after making the necessary examination and survey, report to the court: (1) the boundaries of the region which will be benefited by the work necessary to accomplish the purpose of the petitioner (2) a description of the area that in the opinion of the engineer will be benefited, according to legal or recognized subdivisions; (3) whether such work will be conducive to the public health, safety, convenience or welfare; (4) the general plan necessary to accomplish the drainage; (5) a map showing territory that should be included in said district, and in a general way, the location and nature of the tentative improvement proposed; and (6) an approximate estimate of the cost of the proposed improvements.

No landowner having signed the petition for the formation of a levee or drainage under this act shall have his name stricken from such petition without the written consent of the owners of a majority of the acreage owned by those signing said petition.

Section 5. Immediately upon the filing of the report of the engineer, it shall be the duty of the Court of Probate to forthwith give notice thereof by causing publication to be made as hereinafter defined and the following form shall suffice:

NOTICE OF PETITION FOR THE ORGANIZATION OF A DRAINAGE DISTRICT.

Notice is hereby given to all persons interested in the following described lands in.....County, State of Alabama: (Here describe the lands as set out in the preliminary survey of the engineer on file with this court), that a petition has been filed with this Court signed by a majority of the persons owning

at least one-third of the land or by at least one-third of the persons owning more than one-half of the aforementioned land, asking that the aforementioned and described lands be organized into a drainage district under the provisions of Article 40 of an Act of the Legislature of the State of Alabama, Session of 1923, known as the "Agricultural Code of Alabama," and that the lands above described will be affected by the formation of said district and be rendered liable to taxation for the purpose of constructing and maintaining the improvements that may be found necessary in said district, and you and each of you are hereby notified to appear at a term of the Court of Probate to be held on the.....day of....., 19..... at.....o'clock in.....County, and show cause, if any there be why the aforementioned and described lands should not be organized as a drainage district.

.....
Probate Judge of.....County.

Section 6. The Court of Probate of the county in which said petition is filed shall thereafter maintain and have original and exclusive jurisdiction co-extensive with the boundaries and limits of said district without regard to county lines for all purposes of this Article, subject, however, to the right of appeal to the Circuit Court of the county in which the petition is filed.

Section 7. Any owner of real property in said proposed district who wishes to object to the organization and incorporation of said district shall on or before 12 o'clock (noon) of the day set for the causes to be heard file his objection in writing stating why such district should not be organized and incorporated. On the day appointed for the hearing, the Court shall hear and determine in a summary manner any objection that may be offered to the sufficiency of the petition or to the report of the engineer. If it appear that there is any land within the proposed district that will not be benefited by the proposed improvement thereof, such lands shall be excluded; and if it shall be shown that there is any land without the proposed district that will be benefited by the construction of the proposed levee or drains the boundaries of the district may be so changed as to include such lands and such owners of additional lands shall be made parties to the proceedings and notice to the owners of such additional lands shall be given by publication as hereinbefore provided, or by personal service, and the hearing shall be continued to a date to be fixed by the Court, upon which date the objections, if any are filed to the inclusion of additional lands, shall be adjudicated and such additional lands as may be adjudged benefited by said improvements shall thereupon be included within the proposed district. If it further appear that the purpose of this Article

would be subserved by the creation of the proposed drainage district, the Court shall, after disposing of objections as justice and equity require by its findings duly entered of record, adjudicate all questions of jurisdiction, declare the district organized as a body corporate, giving it a corporate name by which in all proceedings it shall thereafter be known, with all the powers of a public corporation, with power to sue and to be sued, to incur debts, liabilities and obligations, to exercise the powers of eminent domain for the purpose of securing adequate outlets and such other rights-of-way as may be necessary to carry out the intentions of this Article and the right of assessment as herein provided, to issue bonds, and to do and perform all acts herein expressly authorized and all acts necessary and proper for the carrying out of the purpose for which the district was created and for executing the powers with which it is invested. If the Court at the final hearing shall find against the sufficiency of the petition or the improvement it shall dismiss the petition and proceedings at the cost of the petitioners and shall issue an itemized bill of all costs and expenses, which itemized statements of costs and expenses shall have the full force and effect of a judgment and constitute a lien upon the lands of the petitioners within said proposed district, which lien shall be of equal dignity with the lien for general state, county, city, village, school and road taxes, and the court shall forthwith order the levying and collection of a uniform acreage tax on all of the lands included in the petition owned by the petitioners for organization to meet the expenses incurred, and such tax shall be due and payable as soon as levied, and if not paid by the 31st day of December in the year in which it is levied, the same shall become delinquent and shall be turned over to the tax collector of the county in which the lands are located for collection, and the collection of such taxes shall be proceeded with in the same manner as delinquent general state and county taxes.

Section 8. The order of the Court of Probate establishing said district shall have all the force of a judgment and the court shall forthwith levy a uniform tax of not more than fifty cents (50c) per acre upon each acre of land within such district to be used for the purpose of defraying the expenses incurred in establishing said district or to be incurred in organizing said district, making surveys of the same, and assessing benefits and damages and to pay other expenses necessary to be incurred before the Board of Commissioners hereafter provided for shall be empowered by the subsequent provisions of this Article to provide funds to pay the total costs of works and improvements of the district. In case the boundaries of the district be extended under subsequent divisions of this Article so as to include land

and other property not contained within the district as organized by order of the Court of Probate in the first instance the same uniform tax shall be made on such lands as soon as the same shall have been annexed and included in the district. Such tax shall be due and payable as soon as levied and if not paid by the thirty-first day of December in the year in which it is levied, the same shall become delinquent and shall be turned over to the tax collector of the county in which the lands are located for collection, and the collection of such taxes shall be proceeded with in the same manner as delinquent general state and county taxes. This tax shall be a lien, equal in dignity with the lien for general state and county taxes on the land against which it is levied from the time the levy is made. In case the sum raised from such levy exceeds the total cost of items for which the same has been levied the surplus shall be placed in the general funds of the district and used to pay the cost of construction.

Section 9. Upon the organization of the district the Court of Probate shall appoint three drainage commissioners to be designated "Board of Drainage Commissioners," who shall have control of the affairs of the district, and each drainage commissioner shall be an owner of real property within the district, and shall be over twenty-one years of age, and at least one of them shall be a resident of the county in which the proceedings are held. Whenever the owners of a majority in acres of the land comprising a district petition the Court for the appointment of any person qualified under this law to act as a drainage commissioner, it shall be the duty of the Court to appoint such person or persons, but in the absence of such petition it shall be the duty of the Court to appoint some competent person or persons. Each of these drainage commissioners shall take the oath of office as declared by the Constitution of the State and shall also swear that he will not directly or indirectly be interested in any contract made by the Board of Drainage Commissioners, save and except so far as he may be benefited as a landowner in common with other landowners by the works constructed. Any drainage commissioner failing to take oath within thirty days after his appointment, or failing to give bond in the sum of not less than one thousand dollars (\$1,000) to be fixed by the court, shall be deemed to have declined to act as drainage commissioner and his place shall be filled by the Court. The said Board of Drainage Commissioners shall adopt a seal for the district and they may from time to time make such by-laws, rules, regulations and orders, and change the same, as they may deem proper and not inconsistent with this Article and the laws of the State, for the purpose of carrying into effect the object of their incorporation. They shall elect from their own number a president and secretary and appoint and employ such other officers, engineers, attorneys

and agents, and employ such persons, as they may deem necessary for the efficient management of their business, and may remove them at pleasure. The drainage commissioners appointed as aforesaid shall hold their offices, one for two years, one for four years, and one for six years from the date of their appointments and until their successors are appointed and qualified. The court shall indicate the term of office of each drainage commissioner and on the expiration of their terms of office their successors shall be appointed in like manner or the term of six (6) years thereafter. Said Board of Drainage Commissioners shall hold their meetings at any time and place in the county or counties in which any part of the district is situated upon the call of the president, or the president shall call a meeting when petitioned by a majority of the members of said board; provided that an annual meeting of said Board of Drainage Commissioners shall be held at the office of the Judge of Probate having jurisdiction over the district, on the second Saturday of September each year to consider any business which may come before them in behalf of the district or any questions which any landowner may desire to present. All vacancies on the Board of Drainage Commissioners shall be filled by the court, but if the owners of a majority in acres of the land comprising a district shall petition for the appointment of a particular person for drainage commissioner, it shall be the duty of the Court to appoint the person so designated. A majority of the Board of Drainage Commissioners shall constitute a quorum and the concurrence of a majority of the members at any regular or legally called meeting shall be conclusive as to any matters within the jurisdiction of said Board.

Section 10. Any commissioners, viewer or other officer of any district organized under this Article may, after due hearing, be removed for cause upon a motion filed in the Court of Probate where said district was organized.

Section 11. If the Court finds that any property set out in the report of the engineer should not be incorporated in the district, the Board of Commissioners or any owner of realty in the district may, within 20 days, after the refusal of the Court of Probate to include said property in the district, appeal from the order of the Court to the Circuit Court, upon giving bond in a sum to be fixed by the Court conditioned for the payment of costs if the appeal should be decided against said appellant. Any person owning lands within the district that in his opinion will not be benefited by the improvement and should not be included in the district may, within 20 days, appeal from the decision of the Court to the Circuit Court by filing an appeal accompanied by a bond approved by the Court, conditioned for the payment of the cost if the appeal should be decided against him.

Section 12. If it shall be necessary to acquire a right-of-way or any outlet over and through lands not affected by the drainage, then and in such event the power of eminent domain is hereby conferred, and such land may be condemned. The right of condemnation hereby conferred being exercised by application to the Court of Probate of the county in which the lands over which such right-of-way or outlet is desired, or a material portion thereof, are situated, and the same proceedings shall be had as in cases of condemnation of lands for public uses, as provided by Article 1 of Chapter 79 of the Code of 1907, and such damages as may be awarded as compensation shall be paid by the Board of Drainage Commissioners out of the first funds which shall be available from the proceeds of the sale of bonds or otherwise.

Section 13. The Board of Drainage Commissioners of any district organized under this Article, or their employees or agents, including contractors and their employees, and the engineer and members of the Board of Viewers and their assistants, may enter upon the lands within or without the district in order to make surveys and examinations to accomplish the necessary preliminary purposes of the district, or to have access to the work, being liable, however, for actual damage done. Any person or corporation preventing such entrance shall be guilty of a misdemeanor, punishable by fine not exceeding fifty (50) dollars in the discretion of the court.

Section 14. Within sixty days after the district is established it shall be the duty of the Board of Drainage Commissioners to appoint as district engineer a competent civil or agricultural engineer of good standing in his profession who is familiar with land reclamation, and it shall be the duty of the Court of Probate to refer the report of the preliminary survey to the district engineer who shall make a survey of the district and shall prepare a report, with plans for improvements for the district. Such report shall include maps, profiles, specifications, estimates of cost and other data and descriptions which are necessary in the judgment of said district engineer to show the location and character of the work and the information needed by the Board of Drainage Commissioners, provided that the drainage map shall show the location of the proposed ditch or ditches and other improvements and the boundary, as closely as may be determined by the records of the Tax Assessor, of the land owned by each individual landowner within the district, also the location of any railroads or public highways and the boundary of any incorporated town or village. Such report shall also contain an accurate description of all lands and other property, which, in the opinion of the Engineer, will be needed to be taken

for right-of-way or for the uses and purposes of the district. In case the engineer finds that the data of any former surveys or other proceedings may be useful for the purposes of the district, the Board of Drainage Commissioners may take over and use such data and may pay therefor the amount of its value to the district. The engineer and Board of Drainage Commissioners in the preparation and adoption of plans shall consider the best interest of the district and are not bound to follow or adopt the plans that may be outlined in the preliminary report of the engineer. The engineer may, at the expense of the district and with the approval of the Board of Drainage Commissioners, employ the necessary assistants in making surveys, maps, and profiles, and may secure the services of a consulting engineer or expert advisor. Upon receipt of the final report of the district engineer concerning surveys made of the lands and other property in the district organized, and plans for draining the same, the Board of Drainage Commissioners shall adopt such report or any modification thereof approved by the district engineer after consulting with him, and thereafter such adopted report shall be the plan for draining, leveeing or reclaiming such lands and other property from overflow or damage by water, and it shall after such adoption be known and designated as the "Plan of Reclamation," which plan shall be filed with the Judge of the Court of Probate and incorporated into the records of the district. A copy of the Engineer's report and plan of reclamation shall also be submitted to the State Commissioner of Agriculture and Industries for examination. After such examination, by said commissioner, the report and plan of reclamation shall be filed with the Division of Agricultural Engineering, Alabama Polytechnic Institute, Auburn, Alabama.

Section 15. Whenever the proposed improvement crosses the right-of-way of any railroad company, it shall be the duty of the Board of Drainage Commissioners, before adopting the plan of reclamation, to promptly notify such railroad company by serving written notice on any agent of such company or its lessee or receiver, that the Board of Drainage Commissioners will meet the company at the place where the proposed ditch, levee or other drainage improvement will cross the right-of-way of such company, said notice fixing the time of such meeting which shall not be less than ten (10) days after the service of the same, for the purpose of conferring with said railroad company with relation to the place and the manner in which said improvement shall cross such right-of-way. It shall be the duty of the Board of Drainage Commissioners and the railroad company to agree, if possible, upon the place where and the manner and method in which such improvement shall cross such right-of-way. If the Board of Drainage Commissioners and the railroad company can-

not agree, or if the railroad company shall fail, neglect or refuse to confer with the Board of Drainage Commissioners, said Board of Drainage Commissioners shall determine the place and manner of crossing the right-of-way of said railroad company, and shall specify the number and sizes of openings required and so specify in the Plan of Reclamation, and they shall further specify that they could not agree with the railroad company or that the latter failed, neglected or refused to confer with them.

Section 16. The Board of Drainage Commissioners may correct errors in or amend the Plan of Reclamation at any time upon the recommendation or concurrence of the district engineer when it appears that the purpose for which the district is organized may thereby be more effectively and economically accomplished; provided, that after assessments of benefits has been confirmed by the Court, no such amendment to plans shall be effective until approved by the Court having jurisdiction of the district after a hearing for which notice shall be given as in case of the assessment of benefits, at which hearing all parties whose property has been assessed for benefits or may be damaged or taken by reason of such amendment, shall have opportunity to be heard. When any amendment to the Plan of Drainage is approved by the Court the benefits and damages resulting from such amendment shall be determined at the same hearing.

Section 17. Within twenty days after the adoption of the Plan of Reclamation, the Secretary of the Board of Drainage Commissioners shall prepare and transmit a certified copy thereof to the Court of Probate of the county in which the district is organized, and at the same time the Board of Drainage Commissioners shall file with said Court of Probate a petition to appoint viewers to appraise the lands within and without said district to be acquired for rights-of-way, holding basins and other drainage works of the district, and to assess benefits and damages according to all lands in the district and other property by reason of the execution of the Plan of Reclamation. Within thirty days after the filing of such petition the Court of Probate shall by an order appoint a Board of Viewers consisting of three viewers who shall be disinterested owners of realty in the county or counties involved. A majority of said viewers shall constitute a quorum and shall control the action of the Board of Viewers on all questions.

Section 18. Within thirty days after qualifying, the Board of Viewers shall begin their duties, and they may at any time call upon the attorney of the district for legal advice and information relative to their duties. Said viewers shall proceed to view the premises and determine the value of all land and other property within or without the district to be acquired and used for rights-of-way, holding basins, or other works set out in

the engineer's report. They shall assess the amount of benefits and the amount of damages, if any, that will accrue to each tract of forty acres or less, according to the legal or recognized subdivisions of land according to ownership, to public highways, railroad and other rights-of-way, railroad roadways and other property, from carrying out and putting into effect the Plan of Reclamation. The engineer of the district or his representative shall accompany the Board of Viewers while they are viewing the lands of the district. The viewers, in assessing the benefits of lands, public highways, railroad and other rights-of-way, railroads, roadways and other property not traversed by such works and improvements as provided for in the Plan of Reclamation, shall not consider what benefits will be derived by such property after ditches, improvements or plans other than those incorporated in the Plan of Reclamation shall have been constructed, but they shall assess only such benefits as will be derived from the construction of the works and improvements specifically set out in the Plan of Reclamation, or as the same may afford an outlet for drainage or protection from overflow of such property.

In all cases where the drainage improvements follow swales, bayous, natural watercourses or existing waterways which intersect railroad rights-of-way, the railroad company shall be required to construct, build and maintain any necessary new bridges or culverts, or to enlarge, strengthen, reconstruct or replace any old ones at its or their own expense. In all cases where the drainage improvements intersect such rights-of-way at any other place, the expense of building such bridges and culverts shall be considered by the viewers as an element of damage to the railroad company, the amount of which shall be estimated and shown separately in the viewers' report and paid in cash as are other damages. In such case the viewers before assessing such damages and before filing their report shall promptly notify such railroad company by serving written notice upon the agent of such company or its lessee or receiver, that they will meet the company's representative at the place where the proposed district, ditch, drain or watercourse crosses the right-of-way of such company, said notice fixing the time of such meeting, which shall not be less than ten (10) days after the service of the same, for the purpose of conferring with such railroad company on the amount of such damages. When the time fixed for such conference shall have arrived, unless for good cause more time is agreed upon, it shall be the duty of the Board of Viewers and the railroad company to agree, if possible, upon the amount of such damages. If the Board of Viewers and the railroad company cannot agree, or if the railroad company shall fail, neglect or refuse to confer with the viewers, said viewers

shall proceed to assess such damages, if any, to such railroad company and so specify in their report, and they shall further specify that they could not agree with the railroad company, or that the latter failed, neglected or refused to confer with them.

The viewers shall give due consideration and credit to any other drains, ditch or ditches, levee or levees, or other methods of drainage which may already have been constructed, and which shall afford partial or complete protection to any tract or parcel of land in the new district. The public highways, railroad and other rights-of-way, roadways, railroad and other property, shall be assessed according to the increased physical efficiency and decreased maintenance cost of such roadways by reason of the protection to be derived from the proposed works and improvements. The Board of Viewers shall have no power to alter the Plan of Reclamation heretofore provided. The Board of Viewers shall prepare a report of their findings, which shall be arranged in tabular form, the columns of which shall be headed as follows: Column 1, "owner of property assessed;" column 2, "description of property assessed;" column 3, "number of acres assessed;" column 4, "amount of benefits assessed;" column 5, "number acres taken for right-of-way;" column 6, "value of property taken for right-of-way;" column 7, "damages awarded," provided, that mistake in the name of the owner of any lands assessed shall not invalidate the assessment. There shall be set out a description of the land and other property to be required for right-of-way and for the uses and purposes of the district and the value of each tract or parcel thereof. Said report shall be signed by at least a majority of the Board of Viewers and filed with the Court of Probate of the county organizing said drainage district.

Section 19. When the report of the Board of Viewers is fully completed in accordance with the provisions of this Article, and filed, the Court of Probate shall forthwith set a date for hearing said report, not less than 30 days thereafter, and shall give notice thereof by causing publication to be made as hereinafter defined, and the following for shall suffice:

"NOTICE OF FILING OF VIEWERS' REPORT AND HEARING THEREON
FOR.....DRAINAGE DISTRICT.

"Notice is hereby given to all persons interested in the following described land and property in.....County (or counties), Alabama; (here describe land and property) included within and without.....Drainage District, that the Board of Viewers heretofore appointed to assess benefits and damages to the property and lands situate within and without said drainage district and to appraise the cash value of the land

necessary to be taken for rights-of-way, holding basins and other works of said district within or without the limits of said district, filed their report in this office on the day of, 19....., and that the day of, 19....., is hereby set as the day for hearing the same, you and each of you are hereby notified that you may examine said report and on or before the said day of hearing file exceptions to all or any part thereof as provided by law.

.....
Probate Judge of County, Alabama."

~~Section 20.~~ On or before the day set for the hearing of the final report of the Board of Viewers, the drainage district or any owner of land or other property in said district, or any person having interest in any lands or other property within said district, may file exceptions to said report or to any assessment for either benefits or damages. All exceptions shall be heard by the Court and determined in a summary manner, so as to carry out liberally the purposes and needs of the district, and if it appears to the satisfaction of the Court, after having heard and determined all of said exceptions, that the estimated cost of constructing the improvements contemplated in the Plan of Reclamation, together with the damages assessed, is not greater than 90 per cent of the benefits assessed against the land and other property in said district, then the Court shall approve and confirm the report of the Board of Viewers as so modified and amended. If, however, the Court finds that the cost of construction, together with the damages assessed, exceeds 90 per cent of the benefits assessed, the Court shall dismiss the proceedings at the cost of the landowners in said district, and render its decree, decreeing the incorporation of the district to be dissolved as soon as all costs incurred, which shall include court costs and all obligations and expense incurred in behalf of the district by the Board of Drainage Commissioners, shall have been paid; and if the uniform tax levy under the provisions of Section Seven of this Article be found insufficient to pay all such costs, the Board of Drainage Commissioners shall make such additional uniform tax levies as will be necessary to pay such deficiency, provided that any fund remaining after such costs and expenses have been paid shall be prorated among the landowners in the same ratio as it was collected. The Court of Probate of the county in which the drainage district is organized shall transmit a certified copy of the court decree and copy of the Board of Viewers' report, as confirmed or amended by the Court, to the Board of Drainage Commissioners of the district, and if the district embraces lands in more than one county then the Secretary of the Board of Drainage Commissioners shall thereupon

make and transmit a certified copy of the said decree and that part of the said report affecting land in each county, to the Court of Probate of each county except the county in which the District is organized, having lands in the district assessed with benefits, where the same shall become a permanent record, and each such Court of Probate shall receive a fee of \$1.00 for receiving, filing and preserving the same.

Section 21. Any person aggrieved may within ten days after the confirmation of the Board of Viewers' report appeal from the judgment of the Court of Probate to the Circuit Court and upon such an appeal there may be determined either or both of the following: First, whether just compensation has been allowed for property appropriated; and second, whether proper damages have been allowed for property prejudicially affected by the improvements. Such appeal shall be taken and prosecuted as now provided by law, which appeal shall be based and heard only upon the exceptions heretofore filed by the complaining party, either as to issue of law or fact, and no additional exceptions shall be considered by the Court upon the hearing of the appeal; provided, that nothing in this section shall be construed to authorize any appellant to stay the proceedings of the district, or to prevent progress in the work of constructing any work or improvement; but said district may proceed with said work, and any subsequent proceedings in the Circuit Court shall affect only the rights and interest of the appellant in property located in such district.

Section 22. After the list of lands and other property with the assessed benefits and the decree and judgment of the court have been filed as provided in Section 21 of this Article, the Board of Drainage Commissioners shall without unnecessary delay levy a tax of such portion of said benefits on all lands and other property in the district to which benefits have been assessed, as may be found necessary by the Board of Drainage Commissioners, to defray the costs and expenses of the proposed works and improvements as incorporated in the Plan of Reclamation, plus 10 per cent of said total amount for emergencies. The said tax shall be apportioned to and levied on each tract of land or other property in said district in proportion to the benefits assessed and not in excess of 90 per cent thereof, and in case bonds are issued as provided herein and hereafter, then the amount of the interest (as estimated by said Board of Drainage Commissioners), which will accrue on said bonds, shall be included and added to the said tax, but the interest to accrue on account of the issuing of said bonds shall not be construed as a part of the costs of construction in determining whether or not the expenses and costs of making said improvements are or are

not in excess of 90 per cent of the benefits assessed. The Board of Drainage Commissioners, as soon as said total tax is levied, shall at the expense of the district prepare a list of all taxes levied, in the form of a well bound book, which book shall be endorsed and named "Drainage Tax Record of..... Drainage District..... County (or counties) Alabama," which endorsement shall also be printed or written at the top of each page in said book, and said Tax Record shall be signed and certified by the president and secretary of the Board of Drainage Commissioners, attested by the seal of the district, and the ~~same shall thereafter~~ become a permanent record in the office of the secretary of the Board of Drainage Commissioners, and a copy thereof shall be filed in the Court of Probate of each of the counties having lands in said district, as the same may affect the land or other property in that county, where the same shall become a permanent record of the Court, and for receiving and filing the Drainage Tax Record the Court of Probate shall be allowed a fee of \$1.00. The following form shall be sufficient for such a drainage tax record;

State of Alabama |
 | SS.

County of.....

To the Court of Probate of..... County, Alabama:

This is to certify that, by virtue and authority of Section 22 of Article 40 of an Act of the Legislature of Alabama, session 1923, known as the "Agricultural Code of Alabama," the Board of Drainage Commissioners of..... Drainage District, in which are situated the lands and other property in the county (or counties) of..... and State of Alabama, do hereby certify that the tax authorized by said Article, and the land and other property against which the same is levied, are described in the following table, in which table are:

1. The names of the supposed owners of said land and other property.
2. The descriptions of said land and other property opposite the names of the said owners.
3. The amount of such tax levied against each tract of land or piece of property.

(Here insert schedule as above including description of land and amount of tax and then complete record with the following:)

The said tax shall be payable in not to exceed twenty annual installments, the amount of each installment as well as the amount of maintenance tax to be determined and certified to the tax collector of the county, not later than the first Monday in October of each year. The aforesaid tax and such maintenance tax as may be levied from time to time shall be a first

lien equal in dignity with the lien for State and county taxes upon the land and other property herein and therefore described.

Witnessed by the signature of the president of the Board of Drainage Commissioners of the said drainage district, attested by the seal of said district and by the signature of the Secretary of said Board of Drainage Commissioners, this.....day of, 19.....

.....
President.

.....
Secretary.

In case the proceeds of the taxes levied as herein provided are not sufficient to construct the improvements as described in the Plan of Reclamation then the Board of Drainage Commissioners shall make, certify and provide for the collection of such additional taxes as are necessary to complete the improvement; provided, however, that the aggregate of all such levies, exclusive of maintenance taxes and taxes levied for interest on bonds, shall not exceed 90 per cent of the total benefits assessed and confirmed.

Section 23. The said Board of Drainage Commissioners shall each year thereafter determine, order and levy the amount of the annual installment of the total taxes levied under the preceding section, which shall become due and be collected during said year, at the same time that State and county taxes are due and collected, which said annual installment and levy shall be evidenced and certified by the said Board as hereafter provided. Prior to the first Monday in October of each year, one copy of the Drainage Tax Book shall be delivered to the Tax Collector of each county in which lands and other property of said district are situate, after the judge of the Court of Probate of the county in which the district was organized has affixed his signature to the certificate and order directing the collection of said tax, and said tax shall thereupon have the force and effect of a judgment as in the case of State and county taxes. The certificate and order of said installment tax shall be in substantially the following form:

"State of Alabama

County of.....

To....., Tax Collector of..... County:

This is to certify that by virtue and authority of Article 40 of an Act of the Legislature of the State of Alabama, passed at the 1923 session thereof, and known as the "Agricultural Code of Alabama," the Board of Drainage Commissioners of..... Drainage District of..... County (or counties), of Ala-

bama, have had and do hereby levy the sum of \$..... as the annual installment of tax for the year 19....., of the total tax levied under the provisions of said Article, which said total tax has heretofore been certified to the Court of Probate of.....

..... County, and said Board of Drainage Commissioners by and under the authority of the same Article have levied also the sum of \$..... as a maintenance tax for said year; said annual installment of tax and maintenance tax on the real estate and other property situate in your county are set out in the following table, in which are: First, the names of the supposed owners of said lands and other property; second, the descriptions of said lands and other property ~~opposite the names of said owners~~; third, the amount of said installment of tax levied on each tract of real estate or other property; and fourth, the amount of maintenance tax levied against the same.

(Here insert the schedule, after which the balance of the certificate shall appear.)

The said taxes shall be collectible and payable the present year at the same time that State and county taxes are due and collected, and you are directed and ordered to demand and collect the said taxes at the same time you demand and collect the State and county taxes due on the same lands and other property, and this "Drainage Tax Book" shall be your warrant and authority for making such demand and collection.

Witness the signature of the Judge of the Court of Probate of the county in which the district was organized and the President of the said Board of Drainage Commissioners, attested by the seal of said district and the signature of the Secretary of said Board, this the..... day of....., A. D. 19.....

.....
Judge of the Court of Probate.

..... County, Alabama.

Attest:

.....
President of District.

.....
Secretary of the District.

In preparing the drainage tax record provided for by this section the Board of Drainage Commissioners shall show in properly ruled columns: First, the names of the owners of said land and other property as they appeared in the report of the Board of Viewers; second, the descriptions of the said lands and other property opposite the names of said owners; third, the amount of said annual installment tax levied for each tract or piece of property; fourth, the amount of maintenance tax; fifth, a blank column in which the collector shall record the several

amounts as collected by him; sixth, a blank column in which the collector shall record the date of payment of the different sums; seventh, a blank column in which the collector shall record the names of the person, or persons, paying the several amounts.

Provided that mistake in the names of the owners appearing in the Drainage Tax Book shall not invalidate the assessment.

The columns in which the annual installment tax appears shall be correctly totalled. The said certificate and table shall be prepared in the form of a well bound book, which shall be endorsed and named "Drainage Tax Book, Drainage District..... County (or counties), Alabama, for the year 19.....," which endorsement shall also be printed at the top of each page in said book.

All taxes provided for in this Article shall constitute a lien equal in dignity with the lien for general State and county taxes upon the lands assessed and except as hereinafter provided they shall be collected in the same manner and by the same officials as State and county taxes are collected. The said taxes shall be due and payable on the first Monday in October of each year and if the same shall not be paid in full by the thirty-first day of December following, they shall become delinquent, and when so delinquent shall bear a penalty of two per cent per month until paid, each fractional month being counted as a full month. It shall be the duty of the tax collector to sell the land or lands so delinquent, the sale of lands for failure to pay such taxes and penalty to be made at the courthouse door of the county in which the lands are situate between the hours of eleven o'clock in the forenoon and four o'clock in the afternoon of the first Monday in February of each year, and if for any reasonable cause the same cannot be made on that date, the sale may be contained from day to day for not exceeding four days, or the lands may be readvertised and sold on the first Monday in March succeeding, during the same hours, without any order therefor, and the sale of such lands for drainage taxes and penalties or any installment thereof shall be made subject to the lien of any unpaid State, county or city taxes due thereon, and the sale of lands for any State, county, or city taxes due thereon shall be subject to the lien of any taxes or installments thereof levied under this Article. In all other respects, except as to time of sale of lands and the two per cent penalty for each month's delinquency or part thereof, the existing law as to the collection of State and county taxes shall have application to the collection of drainage assessments under this Article. It shall be the duty of the sheriff or tax collector to pay over to the district treasurer promptly the money so collected by him upon said tax assessments to the end that the said treasurer may have funds in his hand to meet the payment

of interest and principal due upon any outstanding bonds as they mature. If at such sale or sales, no bidder is found who will bid the amount of drainage tax, interest, penalty and costs due thereon, the land shall not be sold but shall be re-offered the next year.

Section 24. When any property in a drainage district has been divided, sold or transferred the tax collector may receive taxes levied under this Article on a part of any tract, piece or parcel of land or other property and give his receipt accordingly only when the deed or transfer of said property shows the agreed division of said taxes and the approval of the Board of Drainage Commissioners of the district.

Section 25. The tax collector of each county shall retain for his services as collector of taxes for the drainage district one-half of one per cent of the amount he collects of current taxes and one per cent of the amount he collects of delinquent taxes, penalties, and costs. If any tax collector or sheriff shall refuse, fail or neglect to promptly make full payment of the tax, or any part thereof, collected under this Article he shall pay to the treasurer of the district a penalty of 10 per cent on account of his delinquency. Said penalty shall at once become due and payable and both he and his surety shall be liable to the district therefor.

Section 26. Any person owing lands and other property assessed for the construction of any ditch or other improvement under the provisions of this Article shall have the privilege of paying such tax assessment to the district treasurer on or before a date to be fixed by the Board of Drainage Commissioners notice of which date shall be given by publication in a newspaper published in each county in which lie lands in the district at least ten days before such fixed dates, and the amount to be paid shall be the full amount of the tax levied, less any amount added thereto to meet interest. When such tax assessment has been paid, the Secretary of the Board of Drainage Commissioners shall enter upon the drainage tax record opposite each tract for which payment is made, the words "paid in full," and such tax assessment shall be deemed satisfied, and the Secretary of the Board of Drainage Commissioners shall also make or cause to be made the same entry opposite each tract for which payment is made upon the Drainage Tax Record, filed with the Court of Probate of the county in which the property is located, provided, that such payment shall not operate as a release of the lands or other property on which the full amount of taxes levied has been paid from liability to pay additional taxes upon said lands and other property as provided for in this Article.

Section 27. Each and every person owning land in the district who shall fail to pay to the district treasurer the full amount

for which his land is liable, as aforesaid, within the time above specified, shall be deemed as consenting to the issuance of drainage bonds, and in consideration of the right to pay his proportion in installments, he thereby waives his right of defense to the payment of any tax which may be levied for the payments of bonds, because of any irregularity, illegality, or defect in the prior proceedings except in case of an appeal, as hereinbefore provided, which is not affected by this waiver.

Section 28. The Board of Drainage Commissioners may issue bonds of the drainage district from time to time for an amount equal in the aggregate to the total cost of the improvement, including all preliminary organization and administration expenses not heretofore provided for, less such amounts as shall have been paid in cash to the district treasurer. In no case, however, shall the par value of the bonds issued plus such amounts as shall have been paid in cash to the District Treasurer exceed 90 per cent of the aggregate of benefits assessed against the land or other property. The bonds shall be numbered serially and shall bear interest not to exceed six per centum per annum, payable semi-annually, and shall mature at annual intervals within twenty years commencing after a period of years not later than five years to be determined by the Board of Drainage Commissioners, and said bonds shall be signed by the President of the Board of Drainage Commissioners, attested with the seal of said district and by the signature of the secretary thereof, and the interest coupons attached to said bonds may be executed with the fac-simile signature of the secretary of said district. It shall, however, be unnecessary to affix the seal of the district to the interest coupons. Bonds issued hereunder shall have all the qualities of negotiable paper within the meaning of the law merchant. Said bonds may be prepared at the expense of the district and executed from time to time or at one time, and when delivered for value shall be held to be the obligations of the district although executed by officials other than those in office at the time of the delivery for value, provided the officials signing them were in office at the time they signed the bonds. The Secretary of the Board of Drainage Commissioners shall file in the Court of Probate in which the drainage district was organized, a certified copy of the order of the Board of Drainage Commissioners authorizing and describing any bonds issued hereunder, and the said order shall be recorded in the Drainage Record of said county. This order shall set forth the amount, date, denomination, maturity and numbers of the bonds to be issued, as well as the bond form including the place of payment, and before any of said bonds are delivered for value the Judge of said Court of Probate shall certify on each bond that a copy of

the order authorizing same has been duly recorded in the Drainage Record of said county. It shall be sufficient to say:

This is to certify that a copy of the order of the Board of Drainage Commissioners of..... Drainage District of..... County, Alabama, authorizing this bond has been duly recorded in the Drainage Record of..... County, Alabama.

.....
Judge of the Court of Probate.

.....
County, Alabama.

Section 29. The Board of Drainage Commissioners may sell the bonds for cash at not less than 95 per cent of the par value plus accrued interest and devote the proceeds to the payment of the work as it progresses and to the payment of other expenses of the district provided for in this Article, and for no other purpose or purposes. The funds of the district derived from the sale of bonds, collection of taxes, or any other source shall be placed in any such depositories as may be designated by the Board of Drainage Commissioners, and the depositories shall pay into the treasury of the district such rate of interest as may be mutually agreed upon between the depository and the Board of Drainage Commissioners; provided, that the rate of interest shall not be less than 2 per cent per annum, and that the funds shall be subject to withdrawal at any time by the commissioners for the payment of the obligations of the district.

Section 30. The principal and interest of bonds issued under this Article shall be payable at such place or places as the Board of Commissioners may designate. At least two weeks before the principal and interest of any bonds are due and payable it shall be the duty of the treasurer of the drainage district, to forward to the place of payment named in such bonds, an amount sufficient to meet the principal and interest thereon coming due, together with the customary fee of such paying bank not to exceed one-fourth of one per cent. It shall be the duty of the Board of Drainage Commissioners in making the annual tax levy as hereinbefore provided to take into account the maturing bonds and interest on all bonds and make ample provision in advance for the payment thereof. In case the proceeds of the original tax levy made under the provisions of Section 22 of this Article are not sufficient to pay the principal and interest of all the bonds issued thereunder, then the Board of Drainage Commissioners shall make such additional levy or levies upon the benefits assessed as are necessary for this purpose and may issue additional bonds in like manner as in the first instance provided, that the total tax levies, exclusive of maintenance taxes, or taxes

levied to pay the interest on bonds, shall not exceed 90% of the benefits assessed.

Section 31. If any installment of principal and interest evidenced by any bonds, issued under the provisions of this Article, shall not be paid at the time and in the manner when the same shall become due and payable, the same shall bear interest at the rate of eight per centum per annum until paid, and if such default shall continue for a period of sixty (60) days, the holder or holders of such bond or bonds upon which default has been made may have a right of action against said drainage district wherein the court may issue a writ of mandamus against the officers of said district including the tax collector directing the levying of a sufficient tax as herein provided and the collection of same in such sum as may be necessary to meet any unpaid installments of principal and interest and costs of suit; and such other remedies are hereby vested in the holder of holders of such bond or bonds in default as may be authorized by law. And as an additional remedy in case of default in the payment of the principal and interest of any bonds heretofore or hereafter issued by any drainage district within the State of Alabama, which default has existed for sixty (60) days and payment has been demanded by the holder of any such bond or interest coupon at the place designated for payment and in such instruments, and also to the President of the Board of Drainage Commissioners of any such drainage district, the holder or holders of such bonds or interest coupons shall have the right to make application to any court of competent jurisdiction for the appointment of a receiver for such defaulting drainage district, and it shall be the duty of said court upon presentation of a petition properly verified to appoint a receiver in such case to collect any taxes due such district, and such receiver shall have power to institute suits for the collection of delinquent taxes and to do all things necessary to collect delinquent taxes or other debts due the district, and the said receiver may be directed by suit to foreclose the lien of said taxes on said lands, and out of the proceeds of any collections so made the receiver shall first pay all costs and shall pro rate the remainder of such collections to the payments of bonds and coupons then due; and said receiver shall be under the jurisdiction and control of the court appointing him and he shall have power to proceed in any court of competent jurisdiction where it is necessary to enforce any lien against any land within the district, and said court shall have the power to discharge said receiver at any time and appoint another in his stead, and when all bonds and interest coupons past due shall have been paid, the receiver shall be discharged. Suits for the foreclosure of taxes by any receiver appointed hereunder, shall be conducted in the following manner:

Such suits shall be brought in the Circuit Court in Equity of the county in which the lands are situated, and the said court shall give judgment against all of such lands or other property in said district, for the amount of such taxes, together with all interest and penalties accrued thereon, and costs. Such judgment shall provide for the sale of such delinquent lands for cash in the same manner as other judicial sales of land. Said proceedings and judgment shall be in the nature of proceedings in rem, and it shall be immaterial that the ownership of such lands be incorrectly alleged in said proceedings, and such judgment shall be enforced wholly against such lands, and not against any ~~other property or estate of the defendants.~~ All or any part of said delinquent lands for each of said counties may be included in one suit for each county, instituted for the collection of said delinquent taxes, etc., as aforesaid; and notice of the pendency of such suit shall be given by publication weekly for four weeks (four insertions) before judgment is entered for the sale of said lands, in some newspaper published in the county where such suits may be pending, if there be one, and if no newspaper then in some newspaper in an adjoining county, which public notice may be in the following terms:

Received for..... Drainage District

vs.

Delinquent Lands.

All persons having or claiming any interest in any of the following described lands are hereby notified that suit is pending in the Circuit Court in Equity of..... County, Alabama, to enforce the collection of certain drainage taxes on the subjoined list of lands, the name of each supposed owner having been set opposite his or her or its lands together with the amounts severally due from each, to-wit: (Then shall follow a list of supposed owners, with a descriptive list of said delinquent lands and amounts due thereon respectively, as aforesaid), and said public notice may conclude in the following form:

All persons and corporations interested in said lands are hereby notified that they are required by law to appear within four weeks and make defense to said suit, or the same will be taken as confessed, and final judgment will be entered directing the sale of said lands for the purpose of collecting said taxes, together with interest, penalty and costs allowed by law. Such suits shall stand for trial at the first term of court after the complaint shall have been filed, if said four weeks shall expire either before the first day of the term or during the term of court to which said suits are brought respectively, unless a continuance be granted for good cause shown, within the discretion of the court, and such continuance, for good cause shown, may

be granted as to a part of said lands or defendants without affecting the duty of the court to dispose finally of the others as to whom no continuance may be granted; and in all cases where notice has been properly given as aforesaid, and where no answer has been filed, or if filed, and the cause decided for the plaintiff, the court by its decree shall grant the relief as prayed for in the complaint, and shall direct the sale of such lands described in the complaint at the courthouse door of the county wherein the decree is entered at public outcry to the highest and best bidder for cash in hand, after having first advertised such sales (such advertisement may include all the land included in the decree) weekly for two weeks, consecutively (two insertions) in some newspaper published in the county, if there be one, and if no newspaper, then that such advertisement be published in some newspaper in an adjoining county, and if all the lands are not sold on the day as advertised, such sale shall continue from day to day until completed; and the Register shall by proper deeds convey to the purchaser the lands so sold, and the title to said lands shall thereupon become vested in such purchaser as against all others whomsoever, subject only to the right of the owner of said lands to redeem same within two years from the date of said sale, on payment of the amount paid by the purchaser of said land with legal interest thereon to the date of redemption, and also the further sum equal to ten per centum of the amount so paid by the purchaser of said land. The purchaser of any land at such sale shall be entitled to the possession of such land immediately upon the delivery to him of the deed thereof provided that if such land, being agricultural land, shall have been leased by the owner and the tenant shall have planted a crop thereon prior to such sale, such tenant shall have the right to till and gather his crop.

The receiver may proceed by suit as aforesaid against any such delinquent lands before the sale thereof by the collector, or after such sale but for which no purchaser was found; and it shall be the duty of such receiver to deliver to the collector a copy of the complaint against such delinquent lands, and such lands shall thereafter not be offered for sale by the collector until such delinquent lands shall have been sold under the foreclosure herein provided for or the judgment against the same otherwise satisfied or the foreclosure suit against such lands otherwise finally disposed of; and it shall be the duty of such receiver as such land is sold or judgment against the same otherwise satisfied, to furnish the collector with a list of such lands, and the collector shall then record the satisfaction of such tax in the Drainage Tax Book for the proper year. Provided, that it shall be the duty of the collector thereafter to sell any such land at the time and in

the manner provided by this act for delinquent drainage taxes for any year subsequent to the taxes for which judgment was rendered against such lands. Provided further that the sale of any lands for drainage taxes under this Article shall only discharge such lands from the lien of the taxes for which judgment was rendered or the sale made.

Section 32. Bonds in behalf of the district for the safe keeping of funds and faithful performance of their respective duties and obligations shall be given by each of the commissioners, the engineer, the attorney, the secretary, the treasurer, and all other ~~persons who can handle funds of the district, and by such persons,~~ firms or corporations having contracts with the district as the commissioners may require. The amount of the bonds and the sureties of the commissioners shall be subject to the approval of the Court of Probate. The amount of bonds and the sureties of the treasurer, the attorney, the secretary, the engineer and the contractors shall be subject to the approval of the Board of Drainage Commissioners. All bonds of district officials shall be placed with the Court of Probate and the bonds of contractors with the secretary of the district. The amount of the bond of any person who handles district funds, or of a collector of district taxes, shall be determined by the Board of Drainage Commissioners. Sureties on such bonds may be individual or corporations and the fees for all bonds required of officers and of other persons handling funds of the district shall be paid by the district as part of administration expense.

Section 33. The Board of Drainage Commissioners may secure and use men, equipment and materials under the supervision of the district engineer to construct, excavate and complete all or any of the works and improvements which may be needed to carry out the Plan of Drainage, or it may in its discretion let contracts therefor, either as a whole or in part. The Board of Commissioners shall fix the time and place of letting contracts for the construction of the improvements, and cause notice thereof containing a description of the work to be let, to be made by publication in three consecutive issues of some weekly newspaper (if such there be) of general circulation published in the county in which the district is organized, and by at least one insertion in some contractor's or trade journal, and by such additional publication elsewhere as the Board of Drainage Commissioners may deem expedient, the last insertion to be at least (10) days before the day of the letting. On the date appointed for the letting the Board of Drainage Commissioners together with the district engineer shall convene and let the proposed work either in whole or in sections, as they may deem most advantageous for the district. They shall have the right to reject

any and all bids and to readvertise the work if in their judgment the interests of the district will be subserved by so doing. The successful bidder shall be required to enter into contract with the Board of Commissioners and to execute a bond for the faithful performance of such contract, with sufficient sureties in favor of the drainage district in an amount not less than twenty-five (25) per centum of the estimated cost of the work awarded to him. The contract shall be based on the plans and specifications submitted by the engineer in his final report as adopted by the Board of Drainage Commissioners, the original of which shall remain on file in the office of the Court of Probate, and shall be open to inspection by all prospective bidders. All bids shall be submitted sealed and shall not be opened except under the authority of the Board of Drainage Commissioners and on the day and at the hour therefor appointed for opening the bids.

Section 34. The district engineer shall have charge of the construction of the Plan of Drainage. He shall make monthly estimates of the amount of work done, and shall furnish one copy to the contractor and file the other with the Secretary of the Board of Commissioners; and the commission shall, within five (5) days after the filing of such estimates, meet and direct the secretary to draw a warrant in favor of such contractor for not more than ninety (90) per cent of the work done according to the specifications and contract; and upon the presentation of such warrant, properly signed by the president and secretary, to the treasurer of the district he shall pay the amount due thereon. When the work is fully completed and accepted by the district engineer he shall make an estimate for the whole amount due, including the amounts withheld on previous monthly estimates which shall be paid from the drainage fund as herein provided.

Section 35. If any contractor to whom said work shall have been let shall fail to perform the same according to the terms specified in his contract, the Board of Drainage Commissioners may declare the contract forfeited and shall relet the work proceeding as in the case of the first instance. The district shall have a right of action against the contractor and the sureties on his bond for the amount of damage sustained by it.

Section 36. In the construction of the work the contractor shall have the right to enter upon the lands necessary for this purpose, and the right to remove private or public bridges or fences and to cross private lands in going to or from the work. In case the right-of-way of the improvement is through timber, the owner thereof shall have the right to remove it, if he so desires, before the work of construction begins.

Section 37. Where any public ditch, drain or watercourse established under the provisions of this Article crosses a public

highway at the intersection of such highway with a natural watercourse or swale through which water flows during period of high water, the cost of bridges, or of repairing or enlarging existing bridges and culverts, or of constructing new ones, shall be borne by the county in which such bridges are located or by such other authority as is required by law to maintain such highway so intersected; and such bridges or culverts shall thereafter be maintained by such county or other authorities. Where any public ditch, drain or watercourse established under the provisions of this Article crosses a public highway at a point where such highways does not intersect a natural watercourse or swale, the cost of constructing the new bridge required shall be borne by the drainage district and such bridge or culvert shall thereafter be maintained by and at the expense of the county or such other authority required by law to maintain such highway so intersected.

Section 38. After a district has let a contract for work which crosses a railway right-of-way and the actual construction is commenced, the engineer in charge of construction shall notify the railroad company of the probable time at which the contractor will be ready to enter upon the right-of-way of said road and construct the work thereon. It shall be the duty of said railroad to send a representative to view the ground with the engineer and arrange the exact time at which such work can be most conveniently done. At the time agreed upon the said railroad company shall remove its rails ties, stringers and such other obstructions as may be necessary to permit the excavation of the channel across its right-of-way. The work shall be so planned and conducted as to interfere in the least possible manner with the business of the said railroad. In case the railroad company refuses and fails to remove its track or tracks so as to permit the construction of work on its right-of-way and the passage of the necessary equipment of the contractor, it shall be held as delaying the construction of the improvement, and such company shall be liable to a penalty of \$100 per day for each day of delay to be collected by the Board of Drainage Commissioners for the benefit of the drainage district as in the case of other penalties. Such penalty may be recovered in any court of competent jurisdiction, and shall inure to the benefit of the drainage district. Within thirty (30) days after work is completed an itemized bill for the actual expenses incurred by the railroad company for opening its tracks shall be made and presented to the engineer of the drainage district. Such bill, however, shall not include the cost of constructing a new bridge or of strengthening or enlarging an old one, except as herein provided. The engineer shall audit this bill, and if found correct approve the

same and file it with the Secretary of the Board of Drainage Commissioners who shall reimburse the said railroad company for such expense.

Section 39. Whenever any improvement constructed under this Article is completed, it shall be under the control and supervision of the Board of Drainage Commissioners. It shall be the duty of said Board to maintain the levees, ditches, drains, watercourses, and any other improvements, in good repair, and for this purpose the Board of Drainage Commissioners may annually levy a tax on the lands benefited by the construction of such improvement in the same manner as other drainage taxes are levied, not to exceed ten (10) per cent of the assessed benefits in any one year, and the fund that is collected shall be used for repairing and maintaining the ditches, drains, watercourses, and other improvements in perfect order; provided, however, that if any repairs are made necessary by the act of negligence of the owner of any land through which such improvement is constructed, or by the act or negligence of his agent, tenant or employee, or if the same is caused by the cattle, hogs, or other live stock of said owner, tenant, employee, or agent, then the cost thereof shall be assessed and levied against the lands of the owner alone, to be collected by proper suit instituted by the Drainage Commissioners; provided, further, that when it shall become necessary to repair any bridge or construct a new bridge across any railroad by reason of enlarging any watercourse or of excavating any canal intersection, or by reason of wear and tear and natural deterioration of such bridge or structure, such repairs, maintenance and improvements shall be made at the expense of the said railroad. It shall be unlawful for any person to injure or damage or obstruct any improvements constructed under the provisions of this Article, or to build any bridge, fence or flood-gate across any levee, ditch, drain or watercourse, or any other improvements constructed under the provisions of this Article, without securing the prior written consent of the Board of Drainage Commissioners, and any person causing any injury, damage or obstruction, or building any bridge, fence or flood-gate without the consent of the Board of Drainage Commissioners shall be deemed guilty of a misdemeanor, and upon conviction thereof may be fined not less than fifty (\$50.00) dollars nor more than one thousand (\$1,000) dollars, in the discretion of the court.

Section 40. The owner of any land that has been assessed for the cost of the construction of any ditch, drain, watercourse or other improvement as herein provided shall have the right to use the ditch, drain, or watercourse as an outlet for lateral drains from said land; and if said land is separated from the ditch,

drain, watercourse or other drainage improvement by the land of another or others, and the owner thereof shall be unable to agree with said other or others as to the terms and conditions on which he may enter their lands and construct and drain or ditch, he may petition to condemn the same and the same proceeding shall be had as in cases of condemnation for public uses as provided by Article 1 of Chapter 79 of the Code of 1907.

When the drain is constructed it shall become a part of the drainage system and shall be under the control of the Board of Drainage Commissioners and be kept in repair by the Board as herein provided.

Section 41. The Board of Drainage Commissioners may petition the Court and upon a proper showing the Court shall correct errors or omissions that may have occurred in any proceedings or decrees in relation to any district organized under this Article; provided, that notice by publication as herein provided shall be given to any person whose lands are affected by such proposed correction, and that no other person or property shall be affected by such proceeding.

Section 42. Any body of land however large contiguous or adjacent to a drainage district organized under this Article may be annexed thereto and made a part thereof, the same as if originally included therein, upon the petition of one-third or more of the landowners owning fifty per cent or more in acreage of the real property to be annexed, or upon the petition of one-half or more of the owners of real property to be annexed owning more than one-third of the area to be annexed. Such petition and all the proceedings relative thereto shall conform as nearly as may be with the provisions of this Article for the filing of the petition for the organization of a drainage district, and shall be filed with the Court of Probate having jurisdiction over the district to which annexation is sought. Upon filing of such petition the Court shall direct the Board of Drainage Commissioners of said district to cause surveys and a report to be made by the district engineer as to whether or not the purposes of the petition for annexation can be accomplished, and in what manner the works and property of the existing district would be effected, and to file the report of the engineer together with the recommendations of the Board of Drainage Commissioners thereon, with the Court of Probate. Upon the filing of the report by the Board of Drainage Commissioners, notice shall be given by the Court of Probate for a hearing in the same manner as is provided in this Article for notice upon the nearing of a petition for the organization of a district. Upon such hearing, if the Court shall find that it will be for the public health, convenience, or welfare to annex said lands and to carry out the

purposes of the petition, it shall so order and thereafter the land so annexed shall be considered and made a part of said district and the Board of Drainage Commissioners shall provide for the drainage of the annexed lands by the improvements contemplated in the Plan of Drainage or amendments thereto; provided, that if at this hearing objections to the proposed annexation shall be made by the owners of land, either within the original boundaries of the district or within the tract proposed to be annexed, representing respectively one-third of the landowners owning a majority of the acres, or a majority of the owners having one-third of the acres, it shall be the duty of the Court to dismiss the petition for annexation and to levy an acre tax upon the lands described in the petition for annexation to reimburse the Board of Drainage Commissioners of said district for all expenses incurred in connection with the proceedings therefor. Such taxes when collected shall be delivered to the Board of Drainage Commissioners of said district.

Section 43. The organization of any district, or subdistrict, under the provisions of this article shall not be construed to prevent inclusion of a whole or any part of the lands of any such district in another district and the taxing of such land to whatever extent the Plan of Reclamation may benefit such lands; provided that due credit shall be given in the adjustment of benefits and damages for the benefits received from any existing works which may form a part of the Plan of Reclamation of such other district.

Section 44. Whenever it may be desirable to construct, widen, deepen, straighten, or otherwise change any ditch, drain, watercourse, or levee lying on or along, across or near the boundary line between the State of Alabama and an adjoining State, or whenever it may be desirable to construct, repair or improve any work of drainage as provided for in this Article, which ditch, drain, watercourse or other work of drainage cannot be constructed, repaired or improved in the best manner without affecting lands in such adjoining State, the Board of Drainage Commissioners of the district in which such work is located shall have authority to join with the proper officers of such adjacent county or counties or districts of other States in the construction, widening, deepening, straightening, repairing or improving of any such drain, ditch, watercourse, or other work of drainage. Such drainage commissioners of any district of this State are hereby given power jointly to enter into contracts with the proper officers of such county or counties or districts in adjoining States to construct, repair or improve any such work or drainage, each to pay such proportion of costs and expenses of the work as the contracting officials shall deem just. Such work of drainage shall be made on petition, as provided for in this

Article in relation to other works of drainage, and all other provisions of this Article, as far as applicable, shall govern the drainage commissioners and other officers of this State in relation to such joint work or drainage.

Section 45. The Board of Drainage Commissioners shall have the right and authority to enter into contracts or other agreements with the United States Government or any department thereof, with persons, with railroads or other corporations, with public corporations, with the State Government or this or ~~other States~~, and with drainage, conservation or other improvement districts in this or other States, ~~for co-operating or assisting~~ in constructing, maintaining, using, and operating the works of the district, or for making surveys and investigation, or reports thereon, and may purchase, lease, or acquire land or other property in adjoining States in order to secure outlets, or for other purposes of this Article, and may let contracts for securing such outlets or other works in adjoining States as may be necessary to carry out the provisions of this Article.

Section 46. On or before the first day of August each year the Board of Drainage Commissioners of any district organized under this Article shall have the accounts of the district audited and they shall file with the Court of Probate having jurisdiction thereof, the auditor's report showing the receipts and disbursements of the district for the preceding calendar year ending June 30, as well as their statement, the character of the work accomplished during such year and a general statement of the plans and purposes of the Board of Drainage Commissioners for the succeeding year. The Commissioners shall give notice by publication herein provided that the auditor's report and the annual report of the Board of Drainage Commissioners is on file with the Court and that the Board of Drainage Commissioners will hold their annual meeting in the office of the Court of Probate on the second Saturday in September to consider any business which may come before the Board in behalf of the district, or any questions which any landowners may desire to present to the Board of Drainage Commissioners.

Section 47. All petitions provided for under this Article may be signed by women whether married or single, provided they own land in the proposed district; guardians may sign for their wards, trustees, executors, and administrators may sign for the estates represented by them, and if the signature of any corporation is attested by its corporate seal, the same shall be sufficient evidence of the assent of the corporation.

Section 48. Notice by publication wherever referred to in this Article, unless otherwise specified, shall consist of publication once in each of three consecutive weeks (three insertions)

in some paper having general circulation in the county or counties wherein the land in the drainage district is located, the last insertion to be made at least fifteen (15) days prior to the date fixed for the hearing of said notice, and it shall not be necessary that the publication shall be made on the same day in each of the three weeks; but not less than fourteen (14) days, excluding the day of the first publication, shall intervene between the first publication and the last publication, and publication shall be deemed complete in the date of the last publication. When a district includes lands in two or more counties, such notice shall be published in each county and it will be sufficient to set out only the lands in the county in which the notice is published. If there be no newspapers published in a county in which the lands included within a drainage district are situated, then such publication shall be made in a newspaper published in an adjoining county. It shall not be necessary for a notice to name the parties interested and said notice shall have all the force and effect of a summons served personally on those owning lands within the district. The term "court" wherever it appears in this Article, and unless some other court is specifically designated, shall be construed to mean Court of Probate. The terms "Board of Drainage Commissioners" or "Board of Commissioners" wherever it appears in this Article shall be construed to refer to the Board of Drainage Commissioners. The term "Viewers" wherever it appears in this Article shall be construed to refer to the Board of Viewers. The term "person" wherever it appears in this Article shall be construed to mean any individual, partnership, stock company or corporation. The term "district" whenever it appears in this Article shall be construed to refer to drainage district. The term "swamp" and "overflow lands," as used in this Article shall not be construed to apply alone to the present classification of lands under the laws of this State, but said term shall extend to and include all lands that need drainage or protection from overflow, regardless of former classification.

Section 49. Each member of the Board of Drainage Commissioners and each member of the Board of Viewers, shall receive as compensation for their services five (\$5) dollars per diem when actually employed, and shall be reimbursed for actual reasonable transportation and living expenses when so engaged away from their homes; provided, that the secretary of the Board of Drainage Commissioners shall be entitled to such compensation from his secretarial work as may be agreed upon by the Board of Drainage Commissioners. Any attorney, engineer or assistant engineer, or assistants employed under the provisions of this Article shall receive such compensation for his or

their services as shall be fixed and determined upon by the Court of Probate, together with reimbursement for all necessary expenses, until the Board of Drainage Commissioners is appointed which shall then assume jurisdiction of these matters. The compensation of the treasurer of the district and of all other assistants and employees shall be determined by the Board of Drainage Commissioners. Such expenses shall be paid by order of the Board of Drainage Commissioners out of the drainage fund provided for that purpose, and the Board of Drainage Commissioners shall issue warrants therefor in payment thereof.

Section 50. Any warrant issued under this Article that is not paid when presented to the treasurer of the district ~~because of lack of funds in the treasury~~ shall be endorsed on the back of said warrant "not paid for lack of funds." Such warrant shall draw interest thereafter at the rate of 6 per cent per annum until such time as there is money in hand to pay the amount of such warrant and the interest then accumulated. The treasurer shall list such warrants in the order in which they are presented and reserve the funds that may be collected for the payment thereof to be applied to the retirement of the warrants in such order. No such warrant shall draw interest after the time when sufficient funds are in the hands of the treasurer to pay such indorsed warrant and interest.

Section 51. The Board of Drainage Commissioners shall elect some competent person, corporation or partnership as district treasurer, whose duty it shall be to receive all moneys derived from tax collections, the sale of bonds, or from any other source, and to disburse the same in accordance with the provisions of this Article. The Secretary shall also be eligible for the office of Treasurer. The said Treasurer shall be required, before entering upon the discharge of his duties to give bond in such amount as shall be fixed by the Board of Drainage Commissioners, payable to the drainage district, conditioned that he will well and truly account for and pay out as provided by law all moneys received by him from whatever source, which bond shall be signed by at least two sureties, approved and accepted by said Board of Drainage Commissioners. Said Treasurer shall keep all funds received by him from any source whatever deposited at all times in some banking institutions to be designated by the Board of Drainage Commissioners; provided that if it should be deemed more expedient to the Board of Drainage Commissioners as to money derived from the sale of bonds issued, said Board may by resolution select some suitable bank or banks or other depository as temporary treasurer or treasurers to hold and disburse said moneys on the orders of the Board of Drainage Commissioners as the work progresses, until such fund is exhausted

or transferred to the district treasurer by order of the said Board of Drainage Commissioners.

Section 52. For the purpose of carrying out the provisions of this Article, to assist in the keeping of the tax books, the collection of taxes, the remitting of funds to pay maturing bonds and coupons, and to be of such other service in the general management of the affairs of the district as may be determined, the Board of Drainage Commissioners shall have authority to appoint a fiscal agent and to define the duties and fix the compensation of said fiscal agent.

Section 53. The provisions of this Article shall be liberally construed to promote the leveeing, ditching, draining and reclamation of wet and overflowed lands. The collection of the assessment shall not be defeated, where the proper notices have been given, by reason of any defect in the proceedings occurring prior to the order of the court confirming the final report of the viewers; but such order or orders shall be conclusive and final that all prior proceedings were regular and according to law, unless they were appealed from. If on appeal the court shall deem it just and proper to release any person or to modify his assessment or liability, it shall in no manner affect the rights and **legality of any person other than the appellant**, and the failure to appeal from the order of the Court within the time specified shall be a waiver of any illegality in the proceedings, and the remedies provided for in this Article shall exclude all other remedies.

Section 54. Any district organized under this Article may be dissolved by the Court of Probate having jurisdiction thereof whenever it shall appear to said court that the works thereof need no further care for maintenance to preserve their efficiency and usefulness; that the maintenance of the works be not further conducive to the public health, convenience, or welfare, and that all obligations of such district have been liquidated and fulfilled; provided, that the Court shall not consider the dissolution of any district except upon the petition of two-thirds of the owners of real property owning not less than two-thirds of the area taxed. Upon filing of such petition the same notice shall be served and the same opportunity shall be given for objections to the dissolution of the district as are herein provided upon the filing of a petition for the organization of a district.

Section 55. All laws and parts of laws, general or special, in conflict with this Article are hereby repealed in so far as the same affect the operation of this Article.

Section 56. If any sentence, clause, or section of this Article shall be held unconstitutional this shall not affect any other section of this Article, it being the intention of the Legislature in enacting this Article to enact each section separately.

Section 57. Causes, proceedings and processes now pending under the drainage Act of 1915 shall not be prejudicially affected in any way by the provisions of this Article; but such pending and undetermined causes, proceedings and processes shall be conformed to the prescriptions of this Article.

Section 58. This Article shall be in effect from and after the date of the approval of this Article.

ARTICLE 41.

~~THE~~ APPROVAL AND SUPPORT OF COUNTY AGENTS.

Section 1. The powers and duties of the Board of Agriculture provided for by an Act approved February 11, 1911, and transferred by Article 4 of this Act to the State Board of Agriculture, created by Article 2, Section 1 of this Act, (and the provisions of said Act, approved February 11, 1911), are hereby revised and amended to read as hereinafter provided in this Article.

Section 2. In order to aid in diffusing among the people of Alabama in the several counties useful and practical information on subjects relating to agriculture; to provide for the continuance and improvement of farm demonstration work; for organizing live stock marketing and other agricultural clubs and otherwise assisting farmers in preparing for market and marketing their crops and live stock; for organizing and supervision of boys' corn clubs, pig clubs and other agricultural clubs; to encourage diversification of crops and better methods of farming and stock raising; and to secure for expenditure in Alabama the full amounts appropriated conditionally by the Congress of the United States for agricultural extension work, there is appropriated per annum, the amount specified in Article 43 of this Act. The said fund shall be used under the supervision of the State Board of Agriculture created by Article 2, Section 1 of this Act, in co-operation with the Extension Service created under an Act of Congress approved May 8, 1914, and generally known as the Smith-Lever Act for Extension work in agriculture and home economics, for aiding in employing Farm Demonstration Agents in the State of Alabama.

Section 3. The County Farm Demonstration Agents who shall have charge of the farm demonstration work in the respective county or counties of the State of Alabama shall, before appointment, be jointly recommended for appointment by the State Board of Agriculture as created in Article 2, Section 1 of this Act, and the State Agent of Farm Demonstration Work in Alabama.

Section 4. At the close of each fiscal year the State Board of Agriculture shall make a full and complete report of all work done under this Article, to the Governor of Alabama.

ARTICLE 42.

THE PURCHASE AND SUPPORT BY COUNTIES OF EXPERIMENTAL FARM.

Section 1. The County Board of Revenue or County Commissioners or other bodies having similar jurisdiction in any county in Alabama shall have full authority and power to appropriate, out of the general funds of the county, such sum or sums as the Board may deem adequate and necessary for the purchase and support of an experimental farm or farms which may be established for the purpose of making a careful and full investigation or study of any and all problems pertaining to the production, standardizing and marketing of the crops and live stock and also to the home life of the county.

Section 2. The amounts appropriated under this Article shall be available for the payment of any and all bills incurred in carrying out the purposes of this Article.

Section 3. All amounts appropriated and all work done in compliance with this Article shall be in co-operation with the Experiment Station of the Alabama Polytechnic Institute.

ARTICLE 43.

DISPOSITION OF ACCRUED FUNDS.

Section 1. All funds accruing under the operation of this Act (except the net proceeds of fines imposed and of the sale of any confiscated articles or products, which shall be deposited in the general fund of the State Treasury) as provided in Article 21 of this Act, shall be duly recorded as to source and shall be deposited daily in the State Treasury by the Commissioner of Agriculture and Industries. The State Treasurer shall set aside in the treasury said accrued sums in a fund to be known and referred to as the "Agricultural Fund."

Section 2. For the organization and support of the Department of Agriculture and Industries including necessary analytical work by the State Chemical Laboratory (supplementary to those purposes that have been heretofore and are now provided for in the general appropriation bills and which are not otherwise provided for herein); the necessary expenses of the State Board of Agriculture; for carrying out the provisions and purposes of Article 25 of this Act relating to Horticulture; for carrying out the provisions and purposes of Article 37 of this Act,

relating to Live Stock Sanitary Work; for carrying out the provisions and purposes of Article 41 of this Act, relating to Farm Demonstration Work; for completion of the Soil Survey Work as authorized by this Act; for carrying out the provisions and purposes of Article 5 of this Act relating to Food and Drugs; Article 14 of this Act, relating to Agricultural Seeds; Article 15 of this Act, relating to Commercial Feeds; Article 16 of this Act, relating to Fertilizers; for carrying out the provisions and purposes of all the articles of this Act; and for carrying into effect all the provisions of this Act which relate in any manner to the duties of the Commissioner of Agriculture and Industries or to the duties of the Commissioner as executive officer of the State Board of Agriculture, there is hereby appropriated out of the Agricultural Fund, as provided herein, out of the funds in the State Treasury, not otherwise appropriated, if the accrued sums to the credit of the said Agricultural Fund are insufficient therefor, the sum of two hundred and twenty-five thousand (\$225,000) dollars per annum; provided, that twenty-five thousand (\$25,000.00) dollars per annum of said amount shall be used for the purposes of Article 25 of this Act, relating to Horticulture; provided that forty thousand (\$40,000) dollars per annum of said amount shall be used for the purposes of Article 37 of this Act, relating to Live Stock Sanitary Work; provided that thirty thousand (\$30,000) dollars per annum of said amount shall be used for the purposes of Article 41 of this Act, relating to Farm Demonstration Work; provided that twenty thousand (\$20,000) dollars per annum of said amount shall be used for the purposes of Article 21 of this Act, relating to analytical work and reports by the State Chemical Laboratory; and provided that not exceeding twenty thousand (\$20,000) dollars per annum of said amount shall be used for completion of soil survey of the State, re-survey, revisions and reports thereof.

Section 3. The salary of the chief of a division of the Department of Agriculture and Industries, as provided for in this Act, shall not exceed three thousand (\$3,000) dollars per annum. The salary of no assistant, agent, or inspector shall exceed two thousand four hundred (\$2,400) dollars per annum. The salary of no stenographer shall exceed fifteen hundred (\$1500) dollars per annum.

Section 4. The salaries and all other expenses authorized by this Act shall be paid out upon requisition of the Commissioner of Agriculture and Industries upon the State Auditor who shall draw warrants upon the State Treasurer for the amounts for which requisitions are made.

Section 5. If, at the end of a fiscal year, there shall be any net proceeds of the funds accrued under the provisions of this

Act, such unexpended balance shall revert to the general funds in the State Treasury.

ARTICLE 44.

Section 1. Be it further enacted: That all laws and parts of laws in conflict with this Act shall be and the same are hereby repealed; provided that the provisions of this Act shall not repeal statutes pertaining to agriculture and industries, and related subjects, not expressly treated in whole or in part in this Act.

Section 2. Be it further enacted: That if any provision of this Act or the application thereof to any person or circumstances shall be held by the Supreme Court of the State to be unconstitutional, such holding shall not affect any other provision of this Act, or the application of such provision to other persons or circumstances, it being the intent and purpose hereof that each provision hereof shall stand or fall on its own merits and that the judicial annulment for unconstitutionality of any provision hereof shall have no effect upon any other provision not so annulled.

Section 3. Be it further enacted: That in lieu of any provision of this Act that shall be judicially annulled for unconstitutionality, the existing law at the time of the adoption of this Act governing that subject shall be and remain in full force and effect and shall take the place of and be substitute for the provision so annulled.

Section 4. Be it further enacted: That any person violating any provision of this Act shall be guilty of a misdemeanor, and upon conviction, unless otherwise provided in this Act, shall be fined not less than ten, nor more than fifty dollars for the first offense and double that amount for each such succeeding offense.

Section 5. Be it further enacted: That this Act shall, except as may otherwise be provided for certain Articles contained herein, go into effect on October 1, 1923.

Mr. Goode offered the following amendment to the substitute:

Amend the caption of substitute for H. 570, lines 8 and 9, on page 2 of the bill, by striking out the following: "except for those purposes that have been heretofore and are now provided for in the general appropriation bills."

And the amendment was adopted.

Mr. Goode offered the following amendment to the substitute:

Amend Section 2 of Article 43 so as to read as follows:

Section 2. For the operation and maintenance of the Department of Agriculture and Industries including salaries and

the necessary analytical work by the State Chemical Laboratory. the per diem and other necessary expenses of the State Board of Agriculture; for carrying out the provisions and purposes of Article 25 of this Act relating to Horticulture; for carrying out the provisions and purposes of Article 37 of this Act, relating to Live Stock Sanitary Work; for carrying out the provisions and purposes of Article 41 of this Act, relating to Farm Demonstration Work; for Soil Survey Work as authorized by this Act, and for carrying into effect all the provisions of this Act which relate in any manner to the duties of the Commissioner of Agriculture and Industries or to the duties of the Commissioner as executive officer of the State Board of Agriculture, there is hereby appropriated per annum out of the Agricultural Fund accruing in the State Treasury as provided in this Act, the sum of \$149,850; provided that \$7,500 per annum of said amount shall be used for the purposes of Article 25 of this Act, relating to Horticulture; provided that forty thousand (\$40,000) dollars per annum of said amount shall be used for the purposes of Article 37 of this Act, relating to Live Stock Sanitary Work; provided that thirty thousand (\$30,000) dollars per annum of said amount shall be used for the purposes of Article 41 of this Act, relating to Farm Demonstration Work; provided that not exceeding \$12,000 per annum of said amount shall be used for the purposes of Article 21 of this Act, relating to analytical work and reports by the State Chemical Laboratory, and that in no event the said analytical work and reports by the State Chemical Laboratory exceed the actual cost to do such work; and provided that not exceeding \$6,400 per annum of said amount shall be used for the soil survey, re-survey, revisions and reports on same, of the State.

And the amendment to the substitute was adopted.

Pending the further consideration of the bill H. 570 and the substitute report by the Standing Committee on Agriculture, the hour of one o'clock having arrived, under a Joint Resolution heretofore adopted, the House adjourned until Tuesday, September 11th, at 10 o'clock A. M.

FORTY-THIRD DAY.

House of Representatives,
Tuesday, September 11th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Mr. Tyson, member of the House from the County of Clarke.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:

Mr. Speaker	Embry	Jeter	Rives
Adams	Fanning	Jones	Rountree
Adcock	Ferrell	Kilborn	St. John
Allen	Fite	Kilpatrick	Sanders (Pike)
Arrington	Forman	Lee	Sessions
Ashcraft (Fayette)	Gaines	LeMaistre	Smith (Clay)
Ashcraft (Lauderdale)	Glenn	Letson	Smith (Jefferson)
Bealle	Glover	Long	Smith (Lee)
Blackwell	Goode	Love	Snodgrass
Bowen, Lewis	Goodwyn	Luck	Sollie
Bowen, L. K.	Graves	McDaniel	Stewart (Bibb)
Boykin	Grove	McGowen	Stewart (Calhoun)
Burns	Guy	Melton	Thompson (Browns)
Burton	Hall	Mooneyham	Thompson (Jackson)
Byars	Hampton	Moorer	Tiller
Calloway	Hatter	Moxley	Tunstall
Cato	Hawkins	Nichols	Tyson
Christian	Henley	Norman	Varner
Coleman	Henson	Odom	Verner
Cook	Hodgson	Parker	Walker
Culver	Holcombe	Patterson	Wall
Deloney	Hornsby	Pickens	Ware
Dickinson	Howard	Poole	Mrs. Wilkins
Dowdle	Howze	Powell	Williams
Dunwoody	Hubbard	Ringer	Young
Elliott			

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A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Forty-Second Legislative Day, and finds same correct.

O. W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Forty-Second Legislative Day was approved.

INDEFINITELY POSTPONED.

On motion of Mr. Howze, H. 826 was indefinitely postponed.

MESSAGE FROM THE SENATE.

Mr. Speaker:

~~The Senate has passed the following House bill and returns same herewith to the House:~~

H. 652. To repeal an Act entitled "An Act" To provide for the more efficient construction and maintenance of Public Roads and Bridges of Crenshaw County; to provide for the election of a County Engineer, to fix his salary and term of office and to prescribe his duties; to prescribe the duties of the Commissioners Court under this act; to provide revenue for the roads and bridges of the county; to levy a commutation fee of five dollars in lieu of road work; to levy a vehicle license tax for road purposes; to prescribe the duties of the tax assessor, tax collector, probate judge and sheriff under this Act and to fix their compensation; to provide for the assessment and collection of the taxes under this act; to provide for the punishment of persons violating the provisions of this act; to provide for the disposition of fines and forfeitures collected under this act and for the hire of county convicts under this act and to provide such other duties as may be necessary for the better and more efficient construction and maintenance of the public roads and bridges of the county. Approved September 25th, 1919.

J. E. Speight,
Secretary.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 646. To provide further for the construction, repair and maintenance of the public roads and highways of Morgan county, Alabama, so as to create a superintendent of roads for Morgan county, Alabama, to be known as the road superintendent; to provide for the appointment thereof by the Governor; to vest him with full, complete, and unlimited jurisdiction over the public roads, bridges and ferries in Morgan county; to prescribe and

define his powers and duties as such road superintendent, and to repeal all laws and parts of laws in conflict therewith; to provide for the establishment of a public road fund and for the levying of certain taxes for the benefit of the public roads; to authorize the superintendent to take charge of all public road tools and machinery belonging to the county; and to levy and collect special privilege license tax for the construction and maintenance of public roads, bridges and ferries in the county; to authorize the superintendent of roads to exercise all the legislative, judicial and executive authority over the public roads, bridges, and ferries, to fix penalties for the violation of this Act; to provide for the election and the term of office of the road superintendent; to provide for the appointment of beat supervisors, and the registering of all males subject to public road duties; to provide for the exemption of those subject to road duty by the payment of a prescribed sum; to provide for the working of the public roads, and the investigation of all the acts of the road superintendent by the grand jury of Morgan county; to provide for the keeping of the road superintendent's account; to provide for the exercise of the right of eminent domain, and for the employment of road overseers; to fix the salary of the road superintendent, and the beat supervisors; to provide penalties for the failure to work upon the public roads, and for the prosecution of road defaulters; to provide for the giving of notice to those liable for road duty; to provide for the buying of tools and machinery, and the location and operation of the same.

H. 797. To confirm, ratify and validate all warrants of the county of Marengo heretofore issued by the judge of probate, under the authority of the commissioners court of said county, in all cases wherein said county has received the benefit of the goods, wares or merchandise furnished the said county, or the work and labor done for said county, or any service rendered to said county, for any lawful purpose, by any person, firm or corporation, and which said goods, wares or merchandise, or work and labor, or other service, was accepted and used for the benefit of said county, in the lawful business of said county, and to make the said warrants valid, legal and binding upon the said county to the same extent as if all requirements of law had been fully complied with by the said commissioners court and probate judge prior to the issuance of said warrants.

Also:

H. 798. To confirm, ratify and validate all six per centum interest-bearing warrants which have heretofore been or may hereafter be, issued by authority of the Commissioners Court of the County of Marengo, for the purpose of refunding the existing lawful indebtedness of said county, under the power con-

ferred by an act approved September 28th, 1920, or any other provision of law.

Also:

H. 816. To amend Sections ten, eleven, and eleven and one-half of an Act entitled "An Act in reference to and to further provide for the general revenue of the State of Alabama, approved August 22nd, 1923."

Also:

H. 652. To repeal an Act entitled "An Act to provide for the more efficient construction and maintenance of public roads and bridges of Crenshaw county; to provide for the election of a county engineer, to fix his salary and term of office and to prescribe his duties; to prescribe the duties of the commissioners court under this Act; to provide revenue for the roads and bridges of the county; to levy a commutation fee of five dollars in lieu of road work; to levy a vehicle license tax for road purposes; to prescribe the duties of the tax assessor, tax collector, probate judge and sheriff under this Act and to fix their compensation; to provide for the assessment and collection of the taxes under this Act; to provide for the punishment of persons violating the provisions of this Act; to provide for the disposition of fines and forfeitures collected under this Act and for the hire of county convicts under this Act and to provide such other duties as may be necessary for the better and more efficient construction and maintenance of the public roads and bridges of the county. Approved September 25th, 1919.

Also:

H. 402. To provide for the payment of an expense account for the solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense account shall be paid out of the county treasuries of the several counties composing such circuit, the amount to be paid by each of such counties, to be based upon the assessed taxed valuation of the counties, in such circuit.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bill and Senate Joint Resolution, your signature thereto is requested:

S. 397. To amend Section 5652 of the Code of Alabama of 1907.

S. J. R. 134. Relative to the development of water power resources of Alabama.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL AND SENATE JOINT RESOLUTION.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill and S. J. R., the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent forthwith to the House without engrossment:
By Mr. Inzer:

S. 449. To provide and submit to the qualified electors of the State of Alabama at an election to be held at the next general election at which this amendment is proposed, an amendment to the Constitution of the State of Alabama, whereby the following municipal corporations, Thorsby, Alabama City, Florala and Opp, Evergreen and Fayette, Clayton and Clio, in the State of Alabama, may levy and collect a rate of taxation on the property situated therein not exceeding in the total in any one year one and one-half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporations shall not in any one year exceed one (1) per centum, unless the rate in excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipal corporations, respectively, at elections to be held by them from time to time for such purposes and to provide for such elections.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The above and foregoing bill, S. 449, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Judiciary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Adams (with notice and proof) :

~~S. 468. To authorize, empower, and require the commissioners court, or other court of like jurisdiction of Chilton county, Alabama, to pay to the sheriff of Chilton county the sum of ten (\$10.00) dollars for each still, apparatus, appliance, parts thereof, or any device or substitute therefor, made, used, or designed for the manufacture of spirituous, vinous, or alcoholic liquor, captured, destroyed, or confiscated in said county by the sheriff or any of his deputies; to provide for the payment of said sum by proper warrant on the county treasurer of Chilton county on the presentation of claim by the sheriff stating when and where, as nearly as possible, said still, device, apparatus, or part thereof was captured or destroyed, the kind and capacity of same; said payment to be made by warrant drawn against the county treasury by the commissioners court, or other court of like jurisdiction; said warrant to be a preferred claim against the treasury of said county.~~

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Of bill to be introduced at present session of Legislature:

Notice is hereby given that a bill will be introduced for passage in the present session of the Legislature of Alabama authorizing, empowering, and requiring the Commissioner's Court, or other court of like jurisdiction of Chilton county, Alabama, to pay to the Sheriff of Chilton county the sum of Ten Dollars (\$10.00) for each still or device captured, destroyed or confiscated in said County, made or used for the manufacture of spirituous, vinous or alcoholic liquor; and provide for the payment of said sum by proper warrant on the County Treasurer of Chilton County on the presentation of claim by the Sheriff stating when and where as near as possible said still or device was captured or destroyed, the kind and capacity of same; said payment to be made by warrant drawn against the County Treasury by the Commissioner's Court, or other court of like jurisdiction; said warrant to be a preferred claim against the Treasury of said County.

This ninth day of August, 1923.

I, W. B. Corley, Editor of the Chilton County News, a newspaper published at Clanton, Alabama, do hereby certify that the foregoing notice was published for four consecutive weeks in the said Chilton County News,

to-wit: On 9th day of August, 1923, 16th day of August, 1923; 23rd day of August, 1923, and 30th day of August, 1923.

Sworn to and subscribed before me this 3rd day of September, 1923.
W. B. Corley,
G. C. Walker,
Notary Public.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate Standing Committee as follows:

Revision of Laws, S. 468.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 136. Relative to relieving the stigma which hangs over several hundred officers of the U. S. Navy, who resigned in 1861 to fight the battles of their country.

J. E. Speight,
Secretary.

SIGNING OF SENATE JOINT RESOLUTION.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title to which is set out in the above and foregoing message from the Senate.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Goodwyn:

H. J. R. 196. Be it resolved by the House, the Senate concurring, that the State Highway commencing at Girard, Alabama, and running through the cities of Tuskegee, Shorter, St. Joseph, Montgomery, Lowndesboro, Benton, Selma, Alberta, Gastonburg, Catherine, Kimbrough, Pine Hill, Thomasville, Grove Hill, Jackson, Leroy, McIntosh, Colbert, Mt. Vernon, Mobile and thence to the Alabama line near Orange Grove, Miss., be and the same is hereby designated as the Jefferson Davis Highway of Alabama.

And the resolution was referred to the Standing Committee on Rules.

By Rules Committee:

H. R. 197. Resolved that following be made a special order for today immediately after report of Committees, taking precedence over other orders.

H. 845.

And the rules were suspended and the resolution was adopted.
By Rules Committee:

H. R. 198. Be it resolved by the House that the following bills be made Special Paramount Continuing Orders for the 44th Legislative Day:

H. 960. To make an additional appropriation for the enforcement of the laws of the State.

H. 899. To require all persons or corporations operating a railroad in the State of Alabama to construct and maintain good and sufficient crossings on all streets or public crossings in this State and for the construction of new under-passes and new over-passes where any such railroad intersects public roads or streets within this State, and to prorate the expense between the person, firm or corporation operating any such railroad in the State of Alabama, and the county and municipalities affected; to confer power upon the State Highway Department, the various boards of revenue or county commissioners, and the various governing bodies in the different municipalities in this State, to carry the provisions of this Act into effect.

And the rules were suspended and the resolution was adopted.
By Rules Committee:

H. R. 199. Resolved that House Bill No. 560 be made a paramount continuing special order for the 44th Legislative Day.

H. 560. To create a building committee to be composed of members of the present Alabama Memorial Commission, to contract for, to supervise the building of, and to be clothed with full authority and power for and in behalf of the State of Alabama to acquire land and provide a building to be known as the Alabama Memorial Building, which building shall commemorate Alabama's part in the World War, and to consummate the form and design of the memorial as provided in Section 3 of the Act approved February 3, 1919 creating the Alabama Memorial Commission, and to provide an appropriation for the building, and to provide other necessary means for the erection of said building.

And the rules were suspended and the resolution was adopted.
By Mr. Forman:

H. R. 200. Be it resolved that the following House bill

H. 594. To provide compensation for the sheriffs of the several counties of the State of Alabama for the capture and destruction of illicit distilleries.

Be made a special paramount and continuing order for the 43rd Legislative Day.

And the rules were suspended and the resolution was adopted.
By Rules Committee:

H. R. 201. Resolved that House Bill No. 906 be made a paramount continuing special order for the 44th Legislative Day.

H. 906. To appropriate funds for the assembling and binding of newspapers in the files of the Department of Archives and History.

And the rules were suspended and the resolution was adopted.

REPORT OF RULES COMMITTEE.

Mr. Tunstall, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolutions and ordered same returned to the House with a favorable report:

By Mr. Walker:

H. R. 177. Be it resolved by the House that the following entitled bill be a special continuing and paramount order for the 43rd Legislative Day:

H. 796.

And the resolution was adopted.

By Mr. Embry:

H. R. 186. Resolved that the following bill be made a special order for the 42nd Legislative Day after report of Standing Committees.

H. 683.

And the rules were suspended and the resolution was adopted.

By Mrs. Wilkins:

H. R. 195. Be it resolved, that the following bills be made a special order for the 44th Legislative Day: H. 601, H. 566, H. 567, H. 563, H. 778, H. 481, H. 806, H. 753, H. 748, H. 613, S. 231, S. 190, H. 782.

And the resolution was adopted.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Stewart of Bibb (with notice and proof):

H. 995. To provide for the election of a county superintendent of education for Bibb County, Alabama, to prescribe his qualifications and to fix his term of office.

Local Legislation.

Notice and proof H. 995:

NOTICE.

A bill will be introduced in the Legislature of Alabama to elect the County Superintendents of Education of Bibb County, Alabama, by the qualified voters of said County, to prescribe his term of office, and to fix the qualifications, which candidates for said office must possess.

N. E. Stewart.

The State of Alabama, }
Bibb County. }

~~Personally appeared before me, Mr. L. H. Nunnelee, Register for the~~
Circuit Court, in and for said County and State, W. L. Waller, Foreman
of said Centreville Press, newspaper, who being duly sworn, deposes and
states on his oath, that the attached notice appeared in said paper, con-
secutively in the issues of August 9, 16, 23 and 30. Notice of said publica-
tion is hereto attached.

W. L. Waller,
Foreman Centreville Press.

L. H. Nunnelee,
Register Circuit Court Bibb County, Alabama.

By Mr. Stewart of Bibb (By request):

H. 996. To amend Section 7564 of the Criminal Code of Alabama.

Public Health.

By Mr. Thompson of Etowah:

H. 997. To provide for the division of air conditions control under the direction of the State Fire Marshal; to provide for the inspection and control of the installation and maintenance of heating and ventilating equipment, the inspection of rooms for natural and mechanical ventilation, the prevention and abatement of smoke, gas and fume nuisances, the examination of all heating and ventilating installations, and of all smoke, gas and fume creating prevention and abatement installations installed or reconstructed in any building, location or on any premises in the State; to provide for the head of the division and for his assistants and employees and their qualifications and duties; to provide for the examination of plans and specifications and issuing permits and certificates and for supervising the construction and reconstruction of plants; to provide for the regulation and abatement of dense smoke; to provide for fees for inspection of plans and issuing certificates, and for fees for the inspection of plans and issuing of permits as to and for the inspection of furnaces and other fuel burning apparatus or devices and issuing of certificates, and to make it unlawful to violate the provisions of this act and prescribe penalties for such violations, provided, that the provisions of this act shall not be construed as applying to private residences in this State, nor to

any property being more than five miles distant from the corporate limits of any city or town.

Banking and Insurance.

By Mr. Jeter:

H. 998. To provide a reward for arrest of fleeing homicides.
Judiciary.

By Mr. Fite:

H. 999. To provide for the retirement of teachers on pay in cities of 100,000 or more according to the Federal census of 1920 or a subsequent Federal census.

Education.

By Mr. Fite:

H. 1000. To provide for the more efficient handling of juries in circuit courts of all counties of the State of Alabama having a population of two hundred thousand or more according to the last or any subsequent Federal census, and to provide for the appointment of a jury bailiff and clerk of the Circuit Court of every such county, to designate his duties and fix his compensation, and to provide for the payment of such compensation.
Judiciary.

By Mr. Fite:

H. 1001. To amend Section 5329, Code of 1907.

Judiciary.

By Mr. Ashcraft of Lauderdale:

H. 1002. In relation to the State Treasurer's Office; to fix the compensation of the clerks in such office and to make appropriations for salaries of the State Treasurer and for the payment of the compensation of said clerks out of the State Treasury.

Ways, Means and Appropriations.

By Mr. Ashcraft of Lauderdale (with notice and proof):

H. 1003. For the relief of M. M. Striplin, who in 1920 erected a school house in District No. 8, Lauderdale County, Alabama, according to the one teacher State building plan, at a cost of Sixteen Hundred Dollars, for which he thought the State would refund him Four Hundred Fifty Dollars upon his execution and delivery to the State of a conveyance of two acres of land on which said school building is located; and while the State has continuously used said building since its erection it has not accepted his deed nor paid him anything for said building.

Local Legislation.

Notice and proof H. 1003:

The State of Alabama, }
County of Lauderdale. }

Before me, the undersigned authority, personally appeared Prentiss Blackwell, who being by me first duly and legally sworn, says that he is the

publisher of the Florence Daily News, a newspaper published in Florence, Lauderdale County, Alabama, and that the following notice has been published in said paper for four consecutive weeks and appeared in the following issues: August 18, 25; September 1 and September 8, 1923.

LEGAL NOTICE.

Notice is hereby given that the undersigned will apply to the present Legislature of Alabama for the passage of a local law in substance as follows, to-wit:

A bill to be entitled an Act for the relief of M. M. Striplin, who in 1920 erected a school house in District No. 8, Lauderdale County, Alabama, ~~according to the one teacher State building plan, at a cost of Sixteen Hundred Dollars, for which he thought the State would refund him Four Hundred Fifty Dollars upon his execution and delivery to the state of a conveyance of two acres of land on which said school building is located; and while the State has continuously used said building since its erection it has not accepted his deed nor paid him anything for said building.~~

Be it enacted by the Legislature of Alabama:

1. That whenever M. M. Striplin shall have executed and delivered to the State of Alabama a deed conveying a good title to that certain two acres of ground on which he erected a school house in District No. 8 in Lauderdale County, Alabama, in the fall of 1920, it shall be the duty of the State educational department to accept said deed and notify the State Auditor that the same has been so accepted.

2. That upon receipt of notice by the State Auditor that such conveyance has been made and accepted by the State it shall be his duty to draw a warrant on the State Treasury in favor of M. M. Striplin for the sum of Four Hundred Fifty Dollars.

3. That the said payment when made shall be taxed against the amount of money allotted to Lauderdale County as State Aid for Rural School buildings for the school year in which payment is made.

M. M. Striplin.

Prentiss Blackman.

Sworn to and subscribed before me this the 8th day of September, 1923.

Jno. L. Hughston,
Notary Public.

By Mr. Tunstall:

H. 1004. To make an appropriation for the operation and maintenance of the Geological Survey.

Ways, Means and Appropriations.

By Mr. Tunstall:

H. 1005. To make appropriation for the ordinary expenses of the offices of the Governor, the Attorney General, the Judiciary Department, and the interest on the public debt, the State Security Commission, the Public Service Commission and the Department of Archives and History.

Ways, Means and Appropriations.

By Mr. Byars (with notice and proof):

H. 1006. To establish a county court for Lawrence County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that the said

court shall be open at all times for the trial of cases and transaction of business; to prescribe rules and procedure of said court; and to provide branches of said court and to make provision for the transfer of certain cases now or hereafter pending in the circuit court of Lawrence County to the Lawrence County Court.

Local Legislation.

Notice and proof H. 1006:

NOTICE.

Notice is hereby given that the following bill will be introduced at this session of the Legislature.

J. D. L. Byars.

A bill to be entitled an Act to establish a county court for Lawrence County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that the said court shall be open at all times for the trial of cases and transaction of business; to prescribe rules and procedure of said court; and to provide branches of said court and to make provision for the transfer of certain cases now or hereafter pending in the circuit court of Lawrence County to the Lawrence County Court.

Be it enacted by the Legislature of Alabama:

Section 1: That the county court of Lawrence County, Alabama shall have concurrent jurisdiction with the circuit court of said county for the trial of all misdemeanors committed in said county and shall have concurrent jurisdiction with the circuit court of said county for the trial of all civil causes in which the amount sued for exceeds the sum of \$100.00 and does not exceed the sum of \$500.00.

Section 2: The practice and procedure of all cases both civil and criminal, in said court shall be governed by the practice and procedure existing in the circuit court provided the same be not in conflict with the provisions of this act. Appeals from the decisions and judgments in said court shall be perfected and regulated by the rules and procedure applying in cases of appeal in civil and criminal cases from the circuit court to the Court of Appeals and the Supreme Court of Alabama.

Section 3: The presiding judge of the circuit court of said county shall immediately after the adjournment of each grand jury of said county make an order transferring to the county court of said county all indictments presented or filed in the said circuit court of said county wherein the defendants are charged with the commission of misdemeanors and after the making of such order the jurisdiction of the circuit court shall cease in such causes and the exclusive jurisdiction thereof shall vest in the county court.

Section 4: Be it further enacted that it shall be the duty of the clerk of the circuit court of said county to enter the causes transferred as hereinbefore provided for, on the docket of said county court and to keep books in which he must enter or cause to be entered the minutes of each day's proceedings, during sessions of said court and all orders, judgments and decrees made or rendered by said court, in the order in which they are made or rendered and to make a record of the proceedings in said causes, so transferred, as is required by law to be kept in said causes in the circuit court. In cases where arrests have not been made, such clerk shall issue capias forthwith returnable to the next term of the county court and on the application of either party, he shall issue subpoenas for witnesses and

certify the attendance of witnesses, as in the circuit court and issue executions against the defendants and his sureties on all confessions of judgment, immediately after the adjournment of court, returnable not less than thirty nor more than ninety days after issuance thereof, and immediately deliver said executions to the sheriff of the county, and after delivery of such executions, the same shall be a lien on all property of the defendants in executions and it shall be the duty of the sheriff to collect said execution, within the time stated therein.

Section 5: Be it further enacted that it shall be the duty of the judges of the county court of said county to hear counsel and decide causes without a jury unless a jury is demanded, which demand must be made in criminal cases at the first term of the county court after the arrest of the defendant and if a jury is demanded, at a non-jury term of said court, the cause must be continued to the next succeeding jury term thereof. In civil cases trial shall be without a jury unless demand shall be made for a trial by jury in the same manner and at the same time as is required in the circuit court.

Section 6: Be it further enacted that juries, for the jury terms of said court shall consist of thirty-six (36) names, from which two juries for each jury term of said court, must be selected and the names of said jurors shall be drawn and they shall be summoned in the same manner as juries are drawn and summoned for the circuit court, except that in the county court either judge thereof shall do and perform all acts relative to the drawing and summoning of juries for the county court, as are now or may hereafter be required to be done by the judge of the circuit court, relative to the drawing and summoning of juries for the circuit courts and all jury trials in the county court of Lawrence county, shall be conducted as jury trials are conducted in the circuit courts and the jurors summoned shall receive the same pay as jurors receive in the circuit courts and be paid in the same manner.

Section 7: Be it further enacted that all proceedings as to bail, conditional judgments, forfeitures, judgments final and alias warrants of arrest shall be the same as are now or may hereafter be provided for by law, and in all cases transferred as is herein provided, conditional judgments may be set aside, reduced or made absolute, just as though the same orders and judgments had and taken in the circuit court had been made and rendered at prior terms of the county court.

Section 8: Be it further enacted that the defendant in all criminal cases and either party in all civil cases whether tried by the court or a jury shall have the right of appeal to the appellate courts of this state as is now provided by law for appeals in cases from the circuit court and may reserve by proper bill of exceptions any question of law arising in any of the proceedings in like manner and form as provided for similar cases in the circuit court.

Section 9: Be it further enacted that if, in any case, the judge of the county court shall be legally disqualified, to try, hear or render judgment in such cases counsel for both parties may agree upon some disinterested attorney, present and practicing the court to act as a special judge to try said cause in the same manner and to the same effect as the judge of the county court might do in the same case and the action of such special judge in said case shall have the same force and effect as if he was the regular judge of said court. If counsel cannot agree upon a special judge then the clerk of the court shall appoint one, who shall try and render judgment in such case as herein provided.

Section 10: Be it further enacted that the deputy solicitor for the county shall be the solicitor for the county court and shall prosecute for the State all causes in said county court and for so doing he shall receive

eighty per cent of the same fees as are now or may be hereafter provided by law, the remaining twenty per cent of such fees to be paid into the general fund of the county treasurer, said fees to be collected and paid to him in the manner provided for in section 6634 of the Alabama Code of 1907. If there be no deputy solicitor for Lawrence County, then the solicitor for that judicial circuit of which Lawrence County is a part, shall appoint a solicitor for Lawrence County, whose term of office shall be concurrent with the term of the solicitor appointing him and such county solicitor, so appointed, shall prosecute all cases in said court, and shall receive the same fees, to be collected in the same manner, as are herein provided; provided, however, that in all cases where a plea of guilty is interposed by the defendant, no solicitor's fees shall be taxed or collected, in excess of the amount of the fine assessed.

Section 11: Be it further enacted that a term of county court for the county of Lawrence shall be held every month at the courthouse of said county commencing on the first Monday in each month and continuing until the business of the court is disposed of. Said court shall also be held without expense to the county or State for a place for holding court at each of the following places in Lawrence county, namely, Mt. Hope, Courtland, Hatton and Oakdale Beats; places for holding court shall be provided without expense to the county and the court shall be held at each of the said points at least once during every period of three months, the times for holding such court to be designated by the judge of probate, who shall be the presiding judge of the court and he shall also have the authority to hold court at said points more frequently if in his opinion it shall be necessary or desirable to do so. All criminal cases and all civil cases shall be filed at the court house and all records of the court shall be kept by the clerk in the court house but trial may be had at either one of the four points above mentioned by agreement of counsel for both parties and upon an order to that effect by the probate judge who shall be the presiding judge of the court. The regular jury terms of said court shall be held at the court house on the first Monday in March and the first Monday in August of each year or at such other times in lieu of such dates as may be fixed by the probate judge and each of such terms may continue until all of the business of the court is disposed of.

Section 12: Be it further enacted that the compensation of the clerk and sheriff for services rendered in the county court of Lawrence County shall be the same as for similar services rendered by them in the circuit court. The probate judge as the presiding judge of the court shall appoint an associate judge to assist in the trial of cases in said court which such associate judge shall be learned in the law, shall be a qualified elector in Lawrence County, and not less than twenty-five years of age. Such associate judge shall hold office at the pleasure of the presiding judge. The probate judge as presiding judge of the court may try any criminal case of which the court has jurisdiction and which shall be tried at the county site and the associate judge shall try all civil cases and all criminal cases tried at points other than the county site and criminal cases at the county site when so ordered by the presiding judge. The judges of the county court shall receive four dollars for each case disposed of in said court to be paid out of the county treasury of said county and in all cases of a conviction plea of guilty or a judgment final on a forfeited bond there shall be taxed against the defendant or defendants a fee of three dollars called the county court fee and a similar fee shall be taxed against the losing parties in all civil cases, such fee to be collected by the sheriff as other costs are collected and paid over by him to the clerk whose duty it shall be to pay the same to the county treasurer as soon as collected.

Section 13: Be it further enacted that prosecutions may be instituted or commenced in said county court by affidavit as is now provided for by law, to be thereafter subject to the provisions of this act.

Section 14: Be it further enacted that all appeals by defendants from justices' courts in misdemeanor cases shall be taken to the county court.

Section 15: Be it further enacted that in all cases where the sheriff shall levy on property to satisfy executions from the county court and a third party shall claim such property, such third party may make affidavit and give bond as is now required by law in the trials of the rights of property and it shall be the duty of the sheriff to forthwith return such papers to the clerk of the county court and such court shall have jurisdiction to try the rights of property in such cases.

Section 16: Be it further enacted that it shall be the duty of the clerk of the county court of Lawrence County to record in a well bound book, to be furnished by said county, all affidavits made in the county court of said court and all affidavits in cases appealed from justices' court to said county court, immediately after they are filed in the county court, for which he shall receive a fee of fifty cents for each affidavit so filed and recorded, to be taxed and collected as other costs; and if any of such affidavits shall be lost or destroyed, a certified copy of the record of the same shall be used on the trial of the case, the same as the original affidavit could be used and shall have the same force and effect.

Section 17: Be it further enacted that if any section, provision or clause of this act shall be held to be unconstitutional or invalid, then that fact shall not effect or destroy the constitutionality or validity of any other section, provision, clause or part of the said act.

Section 18: Be it further enacted that this act shall take effect from and after its passage and approval by the Governor, a public necessity demanding it.

Section 19: Be it further enacted that all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed, insofar as they may relate to Lawrence County.

State of Alabama, }
Lawrence County. }

Before me, Thos. B. Ashford, a Justice of the Peace in and for said State and County, personally appeared Clarence C. Horton, who, being sworn according to law, deposes and says that he is the publisher of the Lawrence County Times, a weekly newspaper published in Courtland, Lawrence County, Ala., and further deposes and says that the notice, a copy of which is attached to this affidavit, was published in said newspaper for four consecutive weeks, prior to the making of this affidavit.

Clarence C. Horton.

Sworn to and subscribed before me, this the 30th day of August, 1923.

Thos. B. Ashford,
Justice of the Peace.

By Mr. Arrington:

H. 1007. To require the labeling of all cloth, fabric, garment or articles of apparel sold or offered for sale in the State of Alabama, which contain wool, or purport to contain wool, and of all samples of same containing or purporting to contain wool, displayed in this State in soliciting orders, or otherwise, and providing for punishment for violation of same.

Agriculture.

By Mr. Kilborn:

H. 1008. To provide that in all cities in Alabama having a population of not less than 60,000 and not more than 150,000 according to the last Federal census of 1920, or any subsequent Federal census, which have adopted or may hereafter adopt the general commission form of government, the Board of Road and Revenue Commissioners, or other governing body of the respective counties may pay to the Recorder for ex-officio services rendered by him in the trial of cases in the Recorder's Court wherein there is charged a violation of the laws of the State of Alabama, a sum not exceeding \$900.00 per annum, payable in twelve equal monthly installments out of the County Treasury.

Revision of Laws.

By Mr. Kilborn:

H. 1009. To fix the compensation of assistant solicitors in circuits which are composed of only one county and having more than two and less than nine circuit judges or in circuits which may hereafter be composed of only one county having more than two and less than nine circuit judges, and to provide for such compensation to be paid out of the county treasuries of the counties constituting the respective circuits.

Revision of Laws.

By Mr. Forman (with notice and proof):

H. 1010. To divide Morgan County into five school districts and to provide for the election of a Board of Education for Morgan County and to prescribe their term of office, power and duties and to provide that one member of said board shall be elected from each school district.

Local Legislation.

Notice and proof H. 1010:

NOTICE.

Take notice that a bill will be introduced in the present session of the Legislature in substance as follows:

A bill to be entitled an Act to divide Morgan county into five school districts and to provide for the election of a Board of Education for Morgan County and to prescribe their term of office, power and duties and to provide that one member of said board shall be elected from each school district.

J. A. Foreman.

I, W. R. Shelton, editor of the Albany-Decatur Daily, hereby certify that the attached notice "A Bill to be Entitled an Act" was published in the Albany-Decatur Daily in its issues of August 18th, August 25th, September 1st, and September 8th, 1923, and a copy of same is hereto attached.

W. R. Shelton,
Editor.

Sworn to and subscribed before me this the 10th day of September, 1923.
(Seal) Robert T. Sheppard,
Notary Public.

By Mr. Forman:

H. 1011. To fix the compensation of the president and members of the Board of Revenue of Morgan County, and to repeal all laws in conflict with this Act.

Local Legislation.

Notice and proof H. 1011:

Take notice that there will be introduced a bill at the present session of the Legislature of Alabama, substantially as follows:

"A Bill to be entitled An Act" to fix the compensation of the President and members of the Board of Revenue of Morgan County, and to repeal all laws in conflict with this Act.

James A. Forman.

State of Alabama, }
Morgan County. }

Before me, the undersigned authority, personally appeared D. K. Wiggins, who being first duly sworn, deposes and says:

That he is the publisher of the Hartselle Enterprise, which is a weekly newspaper published at Hartselle, in Morgan County, Alabama, and of general circulation in said county; that the attached notice was published in said Hartselle Enterprise in its regular issues of dates August 16th, August 23rd, August 30th, and September 6th, 1923.

D. K. Wiggins.

Subscribed and sworn to before me, this September 8th, 1923.

(Seal)

Italyne Hardwick,
Notary Public.

By Mr. Sanders of Pike (By request):

H. 1012. To require courts of county commissioners, boards of revenue and other county commissions or officers vested with the power of building and maintaining county roads, to employ engineers or other expert road builders to direct the expenditure of the public road and bridge fund.

Public Roads and Highways.

By Mr. Adcock:

H. 1013. To make appropriation for the support and maintenance of The Southern Industrial Institute for white boys and girls at Camp Hill, Ala., for the years 1923, 1924, 1925, 1926.

Ways, Means and Appropriations.

By Mr. Jeter:

H. 1014. To provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama having a population of one hundred thousand or more, according to the last or any succeeding Federal census; to provide for a Civil Service Board in such cities, fixing their duties, authority and powers," approved February 10, 1923.

Municipal Organization.

By Mr. Fanning (with notice and proof) :

H. 1015. To abolish and dissolve the municipal corporation of the town of Townley in Walker County, Alabama.

Local Legislation.

Notice and proof H. 1015:

NOTICE.

Notice is hereby given that application will be made to the present session of the Alabama Legislature to pass a bill substantially as follows:

A bill to be entitled an Act to abolish and dissolve the municipality of the town of Townley, in Walker County, Alabama.

Section 1. Be it enacted by the Legislature of Alabama that the municipality of the town of Townley, in Walker County, Alabama, be and the same is hereby dissolved and abolished.

Section 2. Be it further enacted that all property of the said municipality shall, upon its dissolution, vest in Walker County, and may be sold or otherwise disposed of by the Board of Commissioners of Walker County and the proceeds thereof paid into the general fund of said County.

Section 3. Be it further enacted that this bill shall go into effect upon its approval by the Governor.

Robert Lang.

State of Alabama, }
Walker County. }

Before me, Arthur Sartain, a Notary Public in and for said State and County, personally appeared L. S. Richardson, who being duly sworn says on oath that he is one of the publishers of the Mountain Eagle, a newspaper published in Jasper, Walker County, Alabama, and affiant further states that the attached notice relating to the dissolution of the town of Townley has been published in four consecutive issues of the Mountain Eagle, a newspaper published in Jasper, Alabama; the first publication appearing in said newspaper on August 8th, 1923, and has been published once a week each week in said paper for four consecutive weeks since that date.

L. S. Richardson.

Sworn to and subscribed before me this the 7th day of September, 1923.

Arthur Sartain,
Notary Public.

By Mr. Fanning (with notice and proof) :

H. 1016. To extend the boundary lines of the Town of Parrish, in Walker County, Alabama, so as to include in the territory of said corporation of the Town of Parrish, in addition to the territory now embraced therein, the following described lands, to-wit: Beginning at the northwest corner of the Northeast quarter of the Northwest quarter of Section twenty-one, Township fifteen south, Range seven west, thence south five degrees east, three hundred and ninety-two and seven-tenths feet, thence south sixty degrees and twenty minutes east two hundred and thirteen and one-tenth feet, thence north forty degrees and thirty-five minutes east five hundred and eighty feet, thence north thirty-two degrees and thirteen minutes west three hundred and fifty-nine feet, thence south eighty-seven degrees and

six minutes west four hundred and fifty-four and five-tenths feet, thence south six degrees and three minutes east two hundred and twenty-six and five-tenths feet to the place of beginning, all in Walker County, Alabama.

Local Legislation.

Notice and proof H. 1016:

NOTICE.

Notice is hereby given that application will be made to the present Legislature of Alabama now in session to pass an Act to extend the boundary lines of the Town of Parrish, in Walker County, Alabama, so as to include in the territory of said corporation of the Town of Parrish, in addition to the territory now embraced therein, the following described lands, to-wit:

Beginning at the Northwest Corner of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section Twenty-one, Township Fifteen, South, Range Seven West, thence south five degrees east, 392.7 feet, thence south 60 degrees and 25 minutes east 213.1 feet, thence north 40 degrees and 35 minutes east 580 feet, thence north 32 degrees and 13 minutes west 359 feet, thence south 87 degrees and 6 minutes west 454.5 feet, thence south 6 degrees and 3 minutes east 226.5 feet to the place of beginning. All in Walker County, Alabama.

This August 14th, 1923.

J. D. Key.

State of Alabama, }
Walker County. }

Before me, a Notary Public in for said State and County, personally appeared L. S. Richardson, Publisher of The Mountain Eagle, a weekly newspaper, published at Jasper, Walker County, Alabama, who being duly sworn, deposes and says that the notice, copy of which is hereto attached, was published in said newspaper for four consecutive weeks, as follows: August 15th, 22nd, 29th, and September 5th, 1923.

L. S. Richardson,
Publisher.

Sworn to and subscribed before me this 6th day of September, 1923.
(Seal)

W. E. Barrett,
Notary Public.

By Mr. Stewart of Bibb (with notice and proof):

H. 1017. To provide for the relief of Mrs. Sam Lewis of Bibb County. Whereas, under the Acts of the Legislature of 1919 provision was made for the payment to persons sustaining loss by injury or killing of stock by being bitten by a dog; and Whereas, Mrs. Sam Lewis of Bibb County suffered the loss of a horse to the value of Sixty Dollars from its being bitten by a dog; and Whereas, claim was filed therefor with the Clerk of the Circuit Court as required by law, after proof of said loss so occasioned had been legally made and appraisement of the value of the property had according to the requirements of law; and Whereas said proof files and appraisement were not filed with the Auditor for payment as required by law.

Local Legislation.

Notice and proof H. 1017:

NOTICE.

A bill will be introduced in the Legislature of Alabama to pay to the widow of S. M. Lewis \$60.00, the value of a horse of said Lewis killed by a dog.

N. E. Stewart.

The State of Alabama, }
Bibb County. }

Personally appeared before me, Mr. L. H. Nunnelee, Register for the Circuit Court, in and for said County and State, W. L. Waller, Foreman of said Centreville Press, newspaper, who being duly sworn, deposes and states on his oath, that the attached notice appeared in said papers, consecutively in the issues of August 9, 16, 23 and 30. Notice of said publication is hereto attached.

W. L. Waller,
Foreman Centreville Press.
L. H. Nunnelee,

Register Circuit Court Bibb County, Alabama.

By Mr. Tunstall:

H. 1018. To make an appropriation for the necessary repair, maintenance and furnishing of the Governor's Mansion.

Ways, Means and Appropriations.

By Mr. Merrill:

H. 1019. To authorize courts to prohibit, for definite periods or perpetually, the operation of motor vehicles by persons convicted of operating a motor vehicle in violation of a criminal statute or ordinance, and to fix the punishment for the violation of such order, and to provide for appeals from such orders.

Revision of Laws.

By Mr. Tunstall:

H. 1020. To make an appropriation to the Alabama Boys' Industrial School.

Ways, Means and Appropriations.

By Mr. Tunstall:

H. 1021. To make an appropriation for the maintenance of the Home for Mental Inferiors of Alabama and the inmates thereof.

Ways, Means and Appropriations.

By Mr. Culver:

H. 1022. To amend Section 7700 of the Code of 1907 as amended by an act approved March 17th, 1915.

Judiciary.

By Mr. Young:

H. 1023. To require the courts of county commissioners or other like governing bodies of the counties of Alabama, to erect and maintain guide-signs at all public road crossings and turn-outs.

Revision of Laws.

By Mr. Fite (with notice and proof) :

H. 1024. To provide for the relief of W. C. Davis, Hazel C. Montgomery and George Hillman, and to make an appropriation therefor.

Judiciary.

Notice and proof H. 1024:

NOTICE OF LOCAL LEGISLATION.

A bill, to be entitled an Act to provide for the relief of W. C. Davis, Hazel C. Montgomery and George Hillman, and to make an appropriation therefor.

Be it enacted by the Legislature of Alabama:

Section 1: That the State Auditor be, and he is hereby required to draw his warrant on the State Treasurer for the sum of One Hundred Dollars, (\$100.00), payable to the said W. C. Davis, Hazel C. Montgomery and George Hillman, and payable out of any funds in the State Treasury not otherwise appropriated.

Section 2: That it shall be the duty of the State Treasurer to pay said warrant out of any funds in the State Treasury not otherwise appropriated.

State of Alabama, }
Jefferson County. }

Before me, J. B. Ivey, the undersigned authority in and for said County in said State, personally appeared G. T. Buford, who, being by me first duly sworn, deposes and states upon his oath that, he is Editor and Owner of the Birmingham Eagle, a newspaper published at Birmingham, in said County and State; that, the notice, a true copy of which is hereto attached, was published in said paper once a week for four consecutive weeks, commencing on the 19th day of May, 1923, and ending on the 9th day of June, 1923, both inclusive.

G. T. Buford,

Editor and Owner of the Birmingham Eagle.

Sworn to and subscribed before me this the 9th day of July, 1923.

J. B. Ivey,

Notary Public.

My commission expires December 15, 1926.

By Mr. Fite (with notice and proof) :

H. 1025. To provide for the relief of Hazel C. Montgomery, Luvenia McNutt and Bob Reed, and to make an appropriation therefor.

Judiciary.

Notice and proof H. 1025:

NOTICE OF LOCAL LEGISLATION.

A bill, to be entitled an Act to provide for the relief of Hazel C. Montgomery, Luvenia McNutt and Bob Reed, and to make an appropriation therefor:

Be it enacted by the Legislature of Alabama:

Section 1: That the State Auditor be, and is hereby required to draw his warrant on the State Treasurer for the sum of Three Hundred Dollars

(\$300.00), payable to the said Hazel C. Montgomery, Luvenia McNutt and Bob Reed, and payable out of any funds in the State Treasury not otherwise appropriated.

Section 2: That, it shall be the duty of the State Treasurer to pay said warrant out of any funds in the State Treasury not otherwise appropriated.

NOTICE.

State of Alabama, }
Jefferson County. }

Before me, J. B. Ivey, the undersigned authority in and for said County in said State, personally appeared G. T. Buford, who, being by me first duly sworn, deposes and states upon his oath that, he is Editor and Owner of the Birmingham Eagle, a newspaper published at Birmingham, in said County and State; that, the notice, a true copy of which is hereto attached, was published in said paper once a week for four consecutive weeks, commencing on the 19th day of May, 1923, and ending on the 9th day of June, 1923, both inclusive.

G. T. Buford,

Editor and Owner of the Birmingham Eagle.

Sworn to and subscribed before me this the 9th day of July, 1923.

J. B. Ivey,

Notary Public.

My commission expires December 15, 1926.

By Mr. Powell:

H. 1026. To create the office of Chairman of the State Highway Commission, fixing the tenure of office, salary, and prescribing the duties and defining his powers.

Public Roads and Highways.

By Mr. Fite:

H. 1027. To provide for and establish in each and all counties of this State which now have a population of two hundred thousand people, or more, according to the last Federal census, or which shall hereafter have such population, or more, according to any such census hereafter taken, a court to be designated the court of Domestic Relations; to provide that such courts shall be courts of record; to define the jurisdiction, power and authority of such courts; to provide the means necessary, proper or convenient for the exercise thereof, and to regulate same; to provide for a senior judge, and an associate judge, of such courts, and for such other officers and employees, as are necessary or convenient for the exercise of its jurisdiction, and for their compensation; to provide for and regulate the procedure in such courts; to authorize the senior judge of said courts to determine the form of records; to provide for appeals from said courts, and to regulate same; to fix and regulate the taxing of costs in such courts; to provide for the transfer to the jurisdiction of such courts certain causes pending in the Circuit Court and other courts in such counties and all causes pending in Juvenile Courts in such counties, and all wards and probationers of such

Juvenile Courts in such counties; to provide that if any section, paragraph or other part of this Act shall be declared unconstitutional, that such decision shall not affect the remainder thereof; to repeal all laws and parts of laws inconsistent, or in conflict with this Act, and to designate when this Act shall take effect.

Judiciary.

BILLS ON SECOND READING.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 952. To vacate and annul the charter and dissolve the corporation of the town of Inglenook.

H. 990. To regulate the business of money brokers and the lending of money on the security of bills of sale or mortgages of personal property, or on personal security, where the amount loaned does not exceed seventy-five dollars, in counties of this State having a population of two hundred thousand or more, according to the last or any subsequent Federal census.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 416. To make appropriations to the Alabama Technical Institute and College for Women, the University of Alabama and the Alabama Polytechnic Institute.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 922. To provide for the approval of any contract or contracts, plans, specifications, architectural design and equipment for the erection of any court houses, jails and hospitals by the Court of County Commissioners and Boards of Revenue in all counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

The above and foregoing bills were severally read a second time and placed on the Calendar.

BILLS REPORTED ADVERSELY.

Mr. Long, Chairman of the Standing Committee on Commerce and Common Carriers, reported that said Committee, in

session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 825. To provide further for the fixing and regulation of specific class or commodity rates or mileage class or commodity rates and charges of common carriers on any and all commodities.

RECOMMITTAL OF BILL.

On motion of Mr. Kilborn

H. 673. To amend section 3, section 4, section 5, section 7, section 11 and section 12 of an Act entitled "An Act authorizing and regulating certain classes of indemnity contracts, empowering corporations to make such contracts, and fixing certain fees and penalties for violation thereof, approved August 25, 1915."

Was recommitted to the Standing Committee on Banking and Insurance.

BILLS ON THIRD READING.

H. 856. To establish and regulate liens in favor of jewelers, watchmakers and silversmiths who shall alter, repair or do any work on any article of personal property, and to regulate the procedure for enforcement thereof.

Was read a third time at length and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Lee	Sessions
Adams	Fite	LeMaiztre	Smith (Clay)
Adcock	Forman	Letson	Smith (Jefferson)
Ashcraft (Fayette)	Glover	Love	Sollie
Ashcraft (Lauderd'e)	Goodwyn	Luck	Stewart (Bibb)
Blackwell	Grove	McGowen	Stewart (Calhoun)
Bowen, Lewis	Hampton	Moorer	Thompson (Etowah)
Bowen, L. K.	Hawkins	Nichols	Tunstall
Boykin	Henley	Norman	Tyson
Byars	Henson	Odom	Varner
Christian	Hodgson	Parker	Walker
Deloney	Holcombe	Patterson	Ware
Dickinson	Hornsby	Posey	Mrs. Wilkins
Dowdle	Howze	Ringer	Williams
Dunwoody	Jeter	Rives	Young
Fanning	Kilborn	Sanders (Pike)	

—63

And the bill was ordered sent to the Senate without engrossment.

H. 857. To regulate the sale at public auction of gold, silver, plated ware, precious stones, watches, clocks, jewelry, books, bric-a-brac, rugs, clothing, china, crockery, glassware and

leather goods, and to provide penalties for the violation thereof.

Was read a third time at length and passed.

Yeas, 62; nays, 3.

Yeas:

Messrs:

Mr. Speaker	Fanning	Howze	Ringer
Adams	Fite	Jeter	Rives
Adcock	Forman	Lee	Sanders (Pike)
Arrington	Gaines	LeMaistre	Smith (Clay)
Ashcraft (Fayette)	Glenn	Letson	Smith (Jefferson)
Ashcraft (Lauderdale)	Glover	Loya	Snodgrass
Blackwell	Goode	McGowen	Stille
Bowen, L. K.	Goodwyn	Mooneyham	Stewart (Calhoun)
Boykin	Grove	Moorer	Thompson (Etowah)
Burton	Hampton	Nichols	Tunstall
Calloway	Hawkins	Norman	Tyson
Christian	Henson	Odom	Varner
Coleman	Hodgson	Parker	Walker
Deloney	Holcombe	Patterson	Ware
Dickinson	Hornsby	Posey	Mrs. Wilkins
Dowdle	Howard		

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Nays:

Messrs:

Ferrell

Kilborn

Sessions

—3

And the bill was ordered sent to the Senate without engrossment.

H. 660. To authorize the Governor to acquire for the use of the State additional property.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Ways, Means and Appropriations, said Committee substitute being as follows:

A BILL.

Substitute for H. 660:

To be entitled an Act to authorize the Governor, the Chief Justice of the Supreme Court and the Attorney General to acquire for the use of the State additional property.

Be it enacted by the Legislature of Alabama:

Section 1. That the Governor, the Chief Justice of the Supreme Court, and the Attorney General are hereby authorized to acquire by purchase such real property in the City of Montgomery in proximity to the Capital for the use of the State of Alabama, for State purposes, as in their judgment may be necessary, and in the event they shall be unable to acquire such property by purchase, they are hereby authorized to have instituted in the name of the State of Alabama, in the proper Court, condemnation proceedings for the acquisition of such property.

Section 2. There is hereby appropriated out of the State Treasury a sum of money sufficient to meet the expenses incurred under the provisions of this Act. The purchase price of the property so bought shall be paid on certificate of the Governor, the Chief Justice of the Supreme Court, and the Attorney General, and a majority of these shall have full power to act in all matters arising under this Act.

Section 3. The Governor, the Chief Justice of the Supreme Court, and the Attorney General shall not incur any liability under the provisions of this Act and shall not expend any money hereby appropriated unless in their opinion the condition of the State Treasury justifies same.

And the substitute was adopted.

Yeas, 67; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Howze	Powell
Adams	Embry	Jeter	Ringer
Adcock	Fanning	Kilborn	Rives
Arrington	Ferrell	Lee	Sanders (Pike)
Ashcraft (Fayette)	Fite	LeMaistre	Sessions
Ashcraft (Lauder'de)	Forman	Letson	Smith (Clay)
Blackwell	Gaines	Long	Smith (Jefferson)
Bowen, Lewis	Glenn	Luck	Snodgrass
Bowen, L. K.	Goode	McGowen	Sollie
Boykin	Goodwyn	Mooneyham	Stewart (Bibb)
Burton	Grove	Moorer	Stewart (Calhoun)
Byars	Hatter	Nichols	Thompson (Etowah)
Calloway	Henley	Norman	Tunstall
Christian	Hodgson	Odom	Varner
Coleman	Holcombe	Parker	Walker
Deroney	Hornsby	Patterson	Mrs. Wilkins
Dickinson	Howard	Posey	

—67

Nays: Mr. Ware—1.

And the bill,

H. 660. To authorize the Governor to acquire for the use of the State additional property.

As amended by the substitute, was read a third time at length and passed.

Yeas, 64; nays, 3.

Yeas:

Messrs:

Mr. Speaker	Bowen, Lewis	Coleman	Ferrell
Adams	Bowen, L. K.	Dickinson	Fite
Adcock	Boykin	Dowdle	Forman
Arrington	Byars	Dunwoody	Gaines
Ashcraft (Fayette)	Calloway	Embry	Glenn
Ashcraft (Lauder'de)	Christian	Fanning	Goode

Goodwyn	Jeter	Nichols	Smith (Jefferson)
Grove	Kilborn	Norman	Sollie
Hatter	Lee	Odom	Stewart (Calhoun)
Hawkins	LeMaistre	Parker	Thompson (Etowah)
Henley	Letson	Patterson	Tiller
Henson	Love	Posey	Tunstall
Holcombe	Luck	Powell	Varner
Hornsby	McGowen	Ringer	Walker
Howard	Mooneyham	Rives	Wall
Howze	Moorer	Sessions	Mrs. Wilkins

—64

*Nays:**Messrs:*

Burton

Sanders (Pike) Ware

—3

And the bill H. 660 was ordered sent to the Senate without engrossment.

H. 845. To impose a license or privilege tax on all deeds, bills of sale and other instruments of like character admitted to record in the probate offices of this State.

Was taken up. Mr. Fite offered the following amendment to the bill:

Amend Section 1 by striking out the words "two-thirds" and "one-third" where they appear therein and insert in lieu thereof "one-half."

On motion of Mr. Tunstall, the amendment offered by Mr. Fite was laid upon the table.

Mr. Fite offered the following amendment to the bill:

Amendment to House Bill No. 845:

Amend Section 1 by striking out the words "The Judge of Probate shall receive five per cent of the amount collected by him under the provisions of this act as his commission for collecting said money and certifying said instruments, which shall be deducted from the total amount collected and retained by him when making settlement of his collections as required by law."

Mr. Ferrell moved to table the amendment offered by Mr. Fite and the motion to table was lost.

Mr. Kilborn offered the following substitute for the amendment offered by Mr. Fite:

Amend H. 845 by striking from Section 1 the words "the Judge of Probate shall receive five per cent" and inserting in lieu thereof the following: "The Judge of Probate shall receive two and one-half per cent."

And the substitute offered by Mr. Kilborn to the amendment offered by Mr. Fite was adopted.

And the amendment offered by Mr. Fite as amended by the substitute offered by Mr. Kilborn was adopted.

Yeas, 66; nays, 8.

Yeas:

Messrs:

Mr. Speaker	Fite	Lee	Sessions
Adams	Forman	LeMaistre	Smith (Clay)
Adcock	Glover	Letson	Smith (Lee)
Arrington	Goode	Long	Snodgrass
Ashcraft (Fayette)	Goodwyn	Love	Stewart (Bibb)
Ashcraft (Lauderdl.)	Graves	Luck	Stewart (Calhoun)
Bealle	Grove	McDaniel	Thompson (Etowah)
Bowen, Lewis	Hall	McGowen	Tiller
Burns	Hampton	Moxley	Tunstall
Burton	Hatter	Odom	Varner
Christian	Henley	Parker	Verner
Coleman	Hodgson	Patterson	Walker
Deloney	Holcombe	Poole	Wall
Dickinson	Howard	Ringer	Ware
Dowdle	Howze	Rountree	Mrs. Wilkins
Fanning	Jeter	Sanders (Pike)	Williams
Ferrell	Kilborn		

—66

Nays:

Messrs:

Blackwell	Boykin	Henson	Norman
Bowen, L. K.	Calloway	Nichols	Rives

—8

Mr. Fite offered the following amendment to the bill:

Amend Section 1 by adding thereto the following: Provided, that in counties where the Probate Judges are paid salaries the fee or commission collected or retained by the Probate Judge for collecting the tax herein provided for shall be paid by them into the treasury of their respective counties."

And the amendment was adopted.

Yeas, 74; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Kilborn	Rountree
Adams	Ferrell	Lee	Sanders (Pike)
Adcock	Fite	LeMaistre	Sessions
Arrington	Forman	Letson	Smith (Clay)
Ashcraft (Fayette)	Glover	Long	Smith (Lee)
Ashcraft (Lauderdl.)	Goode	Love	Snodgrass
Bealle	Goodwyn	Luck	Stewart (Bibb)
Blackwell	Graves	McDaniel	Stewart (Calhoun)
Bowen, Lewis	Grove	McGowen	Thompson (Etowah)
Bowen, L. K.	Hall	Moxley	Tiller
Boykin	Hampton	Nichols	Tunstall
Burns	Hatter	Norman	Varner
Burton	Henley	Odom	Verner
Calloway	Henson	Parker	Walker
Christian	Hodgson	Patterson	Wall
Coleman	Holcombe	Poole	Ware
Deloney	Howard	Ringer	Mrs. Wilkins
Dickinson	Howze	Rives	Williams
Dowdle	Jeter		

—74

Mr. Powell offered the following amendment to the bill:

Amend the bill by adding the following section:

Section 11½. That all moneys derived from such tax shall be appropriated by the Governor whenever in his judgment a sufficient amount is paid into the State Treasury to the building and construction and maintenance of a Tubercular Hospital for this State.

And the amendment was lost.

Yeas, 15; nays, 51.

Yeas:

Messrs:			
Blackwell	Gaines	Nichols	Rives
Boykin	Henson	Norman	Sessions
Burton	Jeter	Odom	Tyson
Byars	Moxley	Powell	

—15

Nays:

Messrs:			
Mr. Speaker	Embry	Howze	Rountree
Adams	Fanning	Kilborn	St. John
Arrington	Ferrell	Lee	Sanders (Pike)
Ashcraft (Fayette)	Fite	LeMaistre	Smith (Lee)
Ashcraft (Lauderdl.)	Goode	Letson	Snodgrass
Bealle	Goodwyn	Long	Stewart (Bibb)
Bowen, Lewis	Graves	Luck	Stewart (Calhoun)
Bowen, L. K.	Grove	McDaniel	Tunstall
Burns	Hampton	McGowen	Varnier
Calloway	Hatter	Parker	Verner
Christian	Henley	Patterson	Mrs. Wilkins
Deloney	Hodgson	Poole	Young
Dickinson	Holcombe	Parker	

—51

And the bill,

H. 845. To impose a license or privilege tax on all deeds, bills of sale and other instruments of like character admitted to record in the probate offices of this State.

As amended, was read a third time at length and passed.

Yeas, 45; nays, 41.

Yeas:

Messrs:			
Mr. Speaker	Fanning	Lee	St. John
Ashcraft (Fayette)	Ferrell	LeMaistre	Smith (Clay)
Ashcraft (Lauderdl.)	Fite	Letson	Smith (Lee)
Bealle	Goodwyn	Long	Sollie
Bowen, Lewis	Graves	Luck	Stewart (Calhoun)
Bowen, L. K.	Grove	McDaniel	Tiller
Calloway	Hatter	McGowen	Tunstall
Christian	Holcombe	Moorer	Varnier
Coleman	Howard	Parker	Verner
Dickinson	Howze	Patterson	Walker
Dowdle	Kilborn	Poole	Mrs. Wilkins
Embry			

—45

Nays:

Messrs:

Adcock	Glover	Jeter	Sanders (Pike)
Blackwell	Goode	Love	Sessions
Boykin	Guy	Moxley	Snodgrass
Burns	Hall	Nichols	Stewart (Bibb)
Burton	Hampton	Norman	Thompson (Etowah)
Byars	Hawkins	Odom	Thompson (Jackson)
Deloney	Henley	Powell	Tyson
Dunwoody	Henson	Ringer	Wall
Forman	Hodgson	Rives	Ware
Gaines	Hornsby	Rountree	Young
Glenn			

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CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same.

Delivered to the Governor September 11, 1923, 10:50 A. M.

H. 646.

Also:

H. 797.

Also:

H. 798.

Also:

H. 816.

Also:

H. 652.

Also:

H. 402.

J. H. Stewart,
Clerk.

RECESS.

The hour of one o'clock having arrived, the House recessed until 3 P. M.

AFTERNOON SESSION.

The hour of three o'clock having arrived the House reconvened.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Glover:

H. R. 202. Be it resolved by the House that House Bill No. 17 be made a special paramount and continuing order for the 44th Legislative Day, to-wit: To amend Section 4288 of the Code of Alabama (mortgage of personal property).

And the resolution was referred to the Standing Committee on Rules.

By Mr. Glover:

H. R. 203. Resolved by the House that House Bill No. 555 be made a special paramount and continuing order for the 44th Legislative Day, to-wit: To provide for the establishment and operation of a printing plant by the Convict Department for the employment of convicts; to require all the printing of certain departments and institutions to be done at said plant.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Glover:

H. R. 204. That House Bill No. 779 be made a special and continuing and paramount order for the 44th Legislative Day.

H. 779. To make an appropriation for the maintenance and support of the ten State Secondary Agricultural Schools.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Smith of Clay:

H. R. 205. That House Bill No. 815 be made a special, paramount and continuing order for the 44th Legislative Day.

H. 815. To authorize the Board of Revenue or Court of County Commissioners of any county in this State to furnish the several offices of such county with equipment and conveniences, including telephone service.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Calloway:

H. R. 206. Resolved that H. 608 (to make an appropriation to pay premiums on cattle and hogs exhibited at the Alabama Fat Stock Show in Montgomery, Ala.) be made a special order for the 44th Legislative Day.

And the resolution was referred to the Standing Committee on Rules.

By Hr. Howard:

H. R. 207. That House Bill No. 912 be made a special paramount and continuing order for the 44th Legislative Day.

H. 912. To make an appropriation to the State Board of Education to be used for the purpose of erecting, repairing and equipping buildings at the State Secondary Agricultural Schools and for matching contributions made for such purposes.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Ashcraft of Lauderdale:

H. R. 208. Be it resolved by the Rules Committee of the House of Representatives that the following bill be and it is hereby made the special paramount and continuing order for the Forty-Fourth Legislative Day immediately after reports of Standing Committees, namely:

H. 861. To prescribe rules of evidence to apply in any investigation by the Alabama Public Service Commission of the rates, fares, charges, rules, regulations and practices of any public utility or transportation company subject to the jurisdiction of said Commission.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Gaines:

H. R. 209. Resolved that H. 870 (relating to liens in favor of landlords or live stock grown or raised on rented land or permitted to run and feed upon crops grown on rented land) be made a special order for the 44th Legislative Day.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Howze:

H. R. 210. Resolved that H. 548 entitled To make appropriation for the maintenance and support of the State Training School for Girls, and for the erection, repairing and equipment of buildings and purchasing furniture and equipment therefor and purchasing additional land, and H. 589 entitled To make appropriations to the Alabama Boys' Industrial School, be made a special order for the 43rd Legislative Day.

And the resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

Pursuant to the provisions of the resolution:

H. J. R. 90. Relative to creating a committee to represent the Legislature in matters concerning the preparation and plac-

ing of the statue of General Joseph Wheeler in the Hall of Fame in the Capitol at Washington.

The President of the Senate has appointed as committee on part of the Senate, Mr. Inzer.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has non-concurred in the House amendment to the bill:

S. 172. To amend an act approved October 31, 1921, entitled an act to provide further for the construction, repair, and maintenance of the public roads, bridges and highways in this State.

And requests a committee of conference.

And the President of the Senate has appointed as conferees on the part of the Senate, Messrs. Foster and Ellis.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Long the House acceded to the request of the Senate for a Committee of Conference on the disagreement of the two Houses on House amendment to the bill S. 172, and the Speaker named as Committee of Conference on part of the House, Messrs. Ashcraft of Lauderdale, Embry and Long.

MESSAGE FROM THE SENATE.

Mr. Speaker :

Pursuant to the provisions of H. J. R. 193, heretofore adopted, the President of the Senate, in the presence of the Senate, has erased his signature from the bill:

S. 296. To amend an Act to establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said Court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; and to provide for the transfer of certain causes now or hereafter pending in the Circuit Court of Morgan County, Alabama, to the Morgan County Court. Approved September 24, 1919.

And returns same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Forman the vote by which the bill S. 296, the title to which is set out in the above and foregoing message from the Senate, was passed by the House was reconsidered and on motion of Mr. Forman the vote by which the said bill, S. 296, was ordered to a third reading was reconsidered.

Mr. Patterson offered the following substitute for the bill

S. 296. To amend an Act to establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said courts; and to provide for the transfer of certain causes now or hereafter pending in the Circuit Court of Morgan County, Alabama, to the Morgan County Court, approved September 24, 1919.

Substitute for Senate Bill No. 296:

A BILL.

To be entitled an Act to amend an Act entitled an Act to establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; and to provide for the transfer of certain causes now or hereafter pending in the Circuit Court of Morgan County, Alabama, to the Morgan County Court. Approved September 24, 1919.

Be it enacted by the Legislature of Alabama:

That an Act entitled an Act: "To establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; and to provide for the transfer of certain causes now or hereafter pending in the Circuit Court of Morgan county, Alabama, to the Morgan County Court. Approved September 24, 1919."

Be amended so as to read as follows:

"Section 1: Be it enacted by the Legislature of Alabama, That there be and hereby is established in and for the County of Morgan, a court of law which will be called the Morgan County Court, and which shall be a court of record, and which shall have and exercise the jurisdiction, authority, functions and powers hereinafter conferred upon it by this Act.

"Section 2: That the Judge for said Court shall be appointed by the Governor of the State immediately after the approval of this Act, whose term of office shall begin immediately upon his appointment and qualification, and shall continue until the second Tuesday after the first Monday in January in the year 1923; and that, at the general election to be held in the year 1922, the successor to the judge so appointed shall be elected by the qualified electors of Morgan County, Alabama, voting at said election, whose term of office shall begin on the expiration of the term of office of the judge to be appointed by the Governor, upon the approval of, and under the authority of, this Act, and whose term of office shall be for a term of six years. The judge of said court before entering upon the duties of said office shall take the oath required by law to be taken by the judges of the Circuit Courts of Alabama. The said judge shall be a qualified elector of Morgan County, Alabama; shall be learned in the law, and shall be not less than twenty-five years of age.

"Section 3: Vacancies in the office of judge of said court shall be filled by appointment by the Governor, and the person so appointed shall hold office as required by the Constitution of this State. Said judge may be removed from office in the manner now provided by law for the removal of Circuit Judges; and Circuit Judges may hold said court when it is deemed proper so to do, and shall do so when authorized by law, and the Judge of the Morgan County Court may hold the Circuit Court when it is deemed proper to do so and shall do so when authorized by law.

"Section 4: That the Clerk of the Circuit Court of Morgan County will be ex-officio clerk of said court, and shall have the powers, and discharge the duties, which will devolve upon the clerk of the Circuit Court, and shall be subject to the same pains and penalties with regard to the duties of the office, and shall be entitled to the same fees as are now, or may hereafter be allowed to circuit clerks of Alabama, and the same shall be collected as such fees are collected in the Circuit Court; and that the deputy clerk of the Circuit Court of Morgan County shall be ex-officio deputy clerk of the Morgan County Court, and exercise the same powers and duties as are exercised in the Circuit Court.

"Section 5: That the judge of said court shall receive a salary of Twenty-five Hundred Dollars (\$2500); payable Two Hundred Eight Dollars and Thirty-three cents, (\$208.33) per month, out of the County Treasury at the end of each month, his signed receipt being required; that there shall be taxed as a trial fee the sum of \$5.00 in all cases tried in said court where the amount involved is more than \$100.00, and in actions of ejectment, unlawful detainer, forcible entry, and trials of the right of property, and in all criminal cases, and three dollars in

all other cases to be taxed and collected as a part of the costs and said fee shall be taxed not only in all cases where there is a conviction for criminal offense, but also in each case where the prosecutor is taxed with the costs. Said trial fee in all cases shall be paid by the clerk of said court into the county treasury for the benefit of the general fund.

"Section 6: That the deputy Solicitor of Morgan County shall be Solicitor of the Morgan County Court, and shall hold office until the second Tuesday after the first Monday in January, 1923, and until his successor is elected and qualified, and shall prosecute for the State all causes in said Court, and for so doing he shall receive a salary of One Thousand Eight Hundred Dollars (\$1,800.00) per year, payable One Hundred and Fifty Dollars (\$150.00) per month, out of the County Treasury at the end of each month, his signed receipt being required. Provided, further, that all solicitors' fees taxed and collected in said court shall be paid into the general fund of Morgan County, and the salary of said Solicitor shall begin upon the approval of this act; and at the general election in 1922 and every four years thereafter there shall be elected a solicitor for said Morgan County Court by the qualified electors of Morgan County, who shall take office at the expiration of the term of the present Deputy Solicitor, and every four years thereafter.

"Section 7: That the solicitor of this Court shall be and he is hereby authorized and directed to attend upon the sessions of the grand juries of the Circuit Court of Morgan County.

"Section 8: That the said court shall be held at the court house of Morgan County, and that said court shall be open at all times for the trial of cases and the transaction of business. In case of sickness or disqualification of the Judge of said Court, the law applicable to the appointment and service of special judges in the Circuit Courts shall apply. The Judge of the said court shall be subject to the same penalties for failure to attend upon the Court as Circuit Judges of this State. The judge of said court shall keep an office in the Court House of Morgan County; and it shall be the duty of the Court of County Commissioners of Morgan County to provide such an office, and supply the same with the necessary furnishings, fixtures, stationery, etc.

"Section 9: The judge of said court may determine and fix the time for holding the sessions of said court; for the trial of all cases, both civil and criminal; provided, however, that all civil and criminal cases, both cases to be tried by a jury and those cases in which no jury has been demanded, shall be called for trial at least once every thirty days until said cases are disposed of. Provided, however, that any case may be continued by agreement of counsel on both sides made in open Court or in

writing filed with the Judge of said Court for a longer period than thirty days and in such event, such case shall not be again called for trial until after the expiration of the period for which it was continued by agreement.

"Section 10: That it shall be the duty of the presiding Judge of the Circuit Court of Morgan County to, immediately after the approval of this Act, make an order transferring to the Morgan County Court of said county, all cases pending on the docket of the Circuit Court against persons charged with a misdemeanor, and from, and after the approval of this act, each and every indictment returned by a Grand Jury of Morgan County, against persons charged with the commission of a misdemeanor, shall, at once, be transferred to the Morgan County Court by the Clerk of said Circuit Court, and the jurisdiction of said Morgan County Court shall attach to said cause, and the jurisdiction of the Circuit Court of said county shall cease, and it shall be the duty of the clerk to immediately issue capiases against said parties so charged with misdemeanor, returnable to the Morgan County Court.

"Section 11: All civil cases now pending in the Circuit Court of Morgan County, where the amount involved does not exceed one thousand (\$1,000.00) dollars, and all actions of ejectment, forcible entry and unlawful detainer, and all actions for the trial of the right of property may be, by agreement of the parties thereto, transferred from the said Circuit Court to the said Morgan County Court.

"Section 12: The sheriff of Morgan County shall, in person or by a deputy, or deputies appointed by him, said appointment to be approved by the Judge of said court, be required to attend upon the said court, and preserve order, and execute all writs or process, and perform such other duties, in all respects as in the Circuit Courts of this State, and for himself and each deputy required for attendance upon the sessions of said court, he shall receive the sum of \$2.00 per day, payable out of the county treasury upon his warrant, approved by the presiding judge, provided that the sheriff and his deputies shall not receive pay except for the time that the court is actually in session, and none of which compensation to the deputies shall be shared in by the sheriff.

"Section 13: That if, for any reason, a forfeiture be taken on any bond on the criminal side of said court, the court may order the alias capias returnable within ten (10) days, and unless the party, or parties, against whom the forfeiture is taken, shall appear and show cause, when the forfeiture is returnable, why the forfeiture should be set aside, then the court is hereby authorized and empowered to make the judgment final.

"Section 14: That the said court shall adopt a seal which shall be in the custody of the clerk of said court.

"Section 15: That all actions of ejectment, forcible entry and unlawful detainer, and all other civil cases are to be tried by the court without the intervention of a jury, unless at the time of filing the suit, plaintiff shall indorse upon the summons and complaint a demand for a jury trial, or that the defendant at the time of filing the first pleadings in the case or at the time of making his appearance, shall demand a trial by jury; provided, however, that all cases involving less than Twenty Dollars (\$20.00) shall be tried by the court without the intervention of a jury; and provided further that all criminal cases shall be tried without the intervention of a jury unless a jury is demanded as provided in Section 15½ hereof; or unless a demand for jury is indorsed upon the bond at the time of making the same.

"Section 15½: That in all criminal cases the defendant shall be required to appear before the court the first Saturday in the month succeeding the month in which he is arrested, however if any person is arrested within a time less than ten days previous to such first Saturday he shall be required to appear on the first Saturday in the next succeeding month and the officer making the arrest is required to inform the party arrested when he is required to appear, at which time his case must be called and the defendant required to plead; and all pleadings, except the plea of not guilty, shall be disposed of then and there; and in event a plea of not guilty is entered, the judge shall thereupon set his case for trial upon a day certain and notify the defendant then and there the day upon which his case shall be called for trial; provided that upon the appearance of the defendant as provided in this section, and upon his entering a plea of not guilty, he may then and there demand a trial by jury; and in event a trial by jury is demanded the case must be set for trial at some week not more than thirty days thereafter, at which a jury for said court shall be empanelled; and in case no jury is demanded, then said case must be set for some time within thirty days when no jury is empanelled, to be tried by the court without the intervention of a jury.

"Section 16: That in all actions of ejectment, forcible entry, unlawful detainer, and trial for the right of property, and in all civil cases where the amount involved exceeds one hundred (\$100.00) dollars, the defendants therein shall be required by the summons served upon them to appear and plead or demur to the complaint within twenty (20) days after the service of such summons and complaint upon them; and in all cases commenced by attachment, the defendants shall appear and demur or plead within twenty (20) days after the levy of the attachment, or

service of notice thereof; or, in cases where the suit is brought against non-residents, or other persons upon whom service is had by publication, within twenty (20) days after perfection of such service by publication, and in all other cases, the defendants must appear and plead within five (5) days after service upon them; and in all cases, whether commenced by summons and complaint, attachment, or otherwise, any defendant failing to appear after service upon him has been perfected, or notice given him as herein required, shall be held to be in default, and at any time thereafter, on motion of the plaintiff, judgment by default shall be rendered against him; provided, that the court may, for good cause shown, allow such judgment so obtained by default, to be set aside, and demurrers or pleas to be filed, on such terms as the court may think best; provided, however, that in all cases where judgment by default has been rendered against the defendant, the plaintiff may execute a writ of inquiry before the court without the intervention of a jury, and have final judgment rendered thereon.

"Section 17: That this court shall have exclusive jurisdiction of all cases appealed from justice of the peace, and all other inferior courts of Morgan County, and all cases appealed from the Mayors' courts, and all original mesne processes, writs, notices, etc., shall be executed instantler, to be returnable immediately upon the execution thereof by the officer receiving the same; and all cases so appealed shall stand for trial at any time after five (5) days notice of the suing out of such appeal to the adverse party, the notice to be given as now required by law.

"Section 18: That all garnishments issued from said courts shall require an answer thereto within ten (10) days after the service thereof, and upon the failure of the garnishee to make such answer within ten (10) days, he shall be deemed to be in default, and a judgment nisi may be rendered against him on the motion of the plaintiff, and unless otherwise ordered by the judge of said court, all citations, rules, writs of scire facias, and notices issuing from the said court, shall require the party against whom they are issued to appear and plead within ten (10) days after notice thereof; and, if citation or notice is to be given by publication, then within ten (10) days after the perfection of service by publication; that all cases whether commenced by a summons and complaint, attachment or otherwise, shall be deemed and taken to be at issue and triable upon the appearance of the defendant, and his pleading to the complaint.

"Section 19: Prosecutinos for misdemeanors committed in Morgan County may be instituted in this court by making an affidavit before the Judge of said court, the writ on said affidavit to be issued by the clerk of said court, and when the de-

fendant is arrested on said affidavit, said case shall go on the docket for trial, and be tried as though the defendant had been indicted by a grand jury.

"Section 20: The judge of said court shall have power to issue search warrants, writs of habeas corpus, prohibition, certiorari, quo warranto, and all other special and extraordinary writs, except such as are peculiar to a court of chancery.

"Section 21: Justice of the peace of Morgan County and Inferior Court with the jurisdiction of Justices of the Peace, in said county, shall have authority to issue warrants returnable to said court, and it shall be their duty to forthwith transmit said affidavits and warrants and bonds to said court, which causes shall then be placed upon the docket of said court, and tried as though the defendants had been indicted by a grand jury in said court.

"Section 22: It shall be the duty of the clerk of said court to keep a record upon which shall be recorded all affidavits made before the judge of said court, or returnable by a Justice of the Peace, or Judge of an Inferior Court in said county, to said court, and if any of said affidavits should be lost or destroyed, a certified copy of the said record shall be used the same as if the defendant had been indicted, and for recording each of said affidavits, the clerk shall receive a fee of twenty-five cents to be taxed as costs in case of the defendant's conviction.

"Section 23: Said court shall have jurisdiction in civil cases in all matters where the amounts involved does not exceed Two Thousand Dollars (\$2,000.00), and in all actions of ejectment, and original jurisdiction in actions of forcible entry and unlawful detainer, and trial for the right of property, irrespective of the amount involved, or the value of the property, provided that in actions of unlawful detainer, the defendant may, within the time allowed for pleading, file an affidavit, and give bond as now authorized by law in actions of this kind, and thereafter the same shall be tried as other actions in ejectment.

"Section 24: That the Supreme Court and Court of Appeals of this State shall have appellate and supervisory jurisdiction over said court, and the judge thereof, which may be exercised in the same manner as such jurisdiction may be exercised over the Circuit Courts of the State, and the Judges thereof, and appeals may be taken from the orders and judgments of said court to the Supreme Court and Court of Appeals in the same manner, and within the same time, as appeals are now taken from the orders and judgments of the Circuit Courts of the State.

"Section 25: The venue in any case in the said Morgan County Court shall be changed to other counties under the same

orders and regulations as govern change of venue in the Circuit Court.

"Section 26: That after five (5) days from the rendition of any judgment, unless otherwise directed in said judgment, the clerk of said court shall issue execution returnable in not less than ten (10) or more than thirty (30) days after the issuance of such execution; provided that nothing herein contained shall prevent any person from having execution issued within five (5) days upon making affidavit as now provided by law in relation to the issuance of executions upon judgments in the Circuit Court, ~~and provided further, that nothing herein contained shall prevent the superseding of executions after the issuance thereof upon filing bond as now required by law.~~

"Section 27: That bills of exceptions relating to the trial of cases civil and criminal in said court must be presented to the Judge of said court within sixty (60) days from the date of judgment in any cause tried therein, and must be signed by the presiding judge within thirty (30) days after the date of such presentation, and the date of the presentation and signing of such bills of exceptions must be endorsed thereon by the presiding judge.

"Section 28: That final judgments rendered in said court shall, after the expiration of fifteen (15) days from their rendition, be taken and deemed to have passed beyond the control of said court, as if the term of court at which said judgments were rendered had ended, provided, however, that nothing herein contained shall prevent the parties applying for a new trial, or rehearing within said fifteen days, or change or destroy the office of motions for new trials or rehearings, when so made, or shall prevent parties from applying to the court for re-hearing under the statute authorizing applications for re-hearing in the Circuit Court.

"Section 29: If the Judge of said court dies, resigns, or is impeached, or his term of office expires, or if, from other cause, he does not sign a bill of exceptions duly presented to him in the proper time, the bill of exceptions may be established in the Supreme Court and Court of Appeals, in the same manner as bills of exceptions are established in cases tried in the Circuit Courts of this State.

"Section 30: That the clerk, with the approval of the Judge of said Court, is hereby authorized to purchase all necessary furnishings, records, stationery and supplies for the equipment and maintenance of said court, and the same shall be paid for out of the county treasury upon warrants drawn by the Judge and signed by the Clerk.

"Section 31: That if, for any reason, any section, provision or clause of this Act shall be held to be unconstitutional or invalid, then that fact would not destroy the constitutionality of this Act, except as to that clause or section.

"Section 32: That the provisions of this Act are to take effect from and after the approval thereof.

"Section 33: That all laws, both local and general, in conflict with said Act, are hereby repealed.

"Section 34: That if within twelve months from the approval of this Act, there shall be provided in Hartselle, Morgan County, Alabama, a building adequate for the purposes of holding court and for the other purposes herein provided for, approved by the Court of County Commissioners, or Board of Revenue of Morgan County, Alabama, then there is hereby created a branch of this county court at Hartselle, Morgan County, Alabama, and the terms of which said court shall be designated by the Judge of said Court as is now provided by law for the designation of terms of court, and the manner of holding the same by the Circuit Judges of the State.

"Section 35: Said branch court shall have jurisdiction of all criminal cases committed within the territory hereinafter **named**, and all civil cases arising therein, and where the defendant resides, therein to-wit: The territory embraced in the following Precincts: Danville (3), Gibson (4), Hartselle (10), Falkville (5), Lacon (21), Eva (17), Oak Ridge (22), Florette (14), Lawrence Cove (6), Gum Pond (24), Shady Grove (16), Voting Box Number 2, Somerville (9), Center Grover (7), Wolfs (15). That said branch court shall be open at all times for the transaction of business therein. The same provisions for the fixing of the terms of the court by the Judge at Decatur shall also apply to the branch court at Hartselle. This applies to all cases civil, criminal, jury and non-jury.

"Section 36: Said Court shall be presided over by the Judge of the said Morgan County Court, of Morgan County, Alabama, and all criminal cases pending in said branch court shall be prosecuted by the solicitor of said county court created by this Act.

"Section 37: The Clerk of the Circuit Court of Morgan County, Alabama, shall be ex-officio Clerk of said branch court hereby created, and shall be required to procure all necessary documents, records, books and papers, for the use of said court, and which said documents, records, books and papers, pertaining to said court shall be kept by him at his office at Decatur, Alabama, at all times when the branch court is not in session, but while said court is in session they shall be kept at Hartselle, Alabama.

"Section 38: The said court building at Hartselle shall be provided for as hereinabove set forth, without expense to either the County of Morgan or the State of Alabama, and the said branch court shall be governed by the provisions for pleading and practice provided herein for this court.

"Section 39: Said court building shall contain necessary court, office, jury and witness rooms, for the use of said Court. The Town of Hartselle shall tender to the Sheriff of Morgan County, Alabama, and his deputies, the use of its municipal prison, for the incarceration of prisoners during the terms of ~~said court, and during such other times as may be convenient by~~ the sheriff and his deputies, without expense to the county; the tender to be made by the certificate of the Mayor, duly sworn to and filed with the Sheriff of Morgan County; but in no event shall the sheriff incarcerate any prisoner therein, until the same is made secure and sanitary.

"Section 40: That all jurors from this court and the branch court herein created, shall be summoned from the entire county; that the venire for said court shall consist of twenty-four (24) jurors drawn as provided by law for the drawing of jurors in the Circuit Court; provided however, that in all civil cases the judge of said court may require the parties to select a jury from eighteen (18) or more qualified jurors, as now provided by law for the selection of juries. It being the true meaning and intent of this act that the judge may, in civil cases, limit the number of challenges to three to each side; and in all criminal cases the judge of said court may require the selection of a jury from eighteen (18) qualified jurors as is now provided by law for the selection of juries in misdemeanor cases.

"Section 40½: That when it is probable that all the cases, in which a jury has been demanded, open for trial in said court, can be disposed of in one week they shall be set for trial in the following order:

- 1st. All civil cases to be tried at Decatur.
- 2nd. All criminal cases to be tried at Decatur, and
- 3rd. All civil and criminal cases to be tried at Hartselle, and provided further that where cases are to be tried at Hartselle as in this Act provided the same jury may be used at Decatur and any jury summoned to serve in said Court may be required to serve part of the week in Decatur and part of the same week in Hartselle."

And the substitute offered by Mr. Patterson was adopted.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Howard	Patterson
Adams	Embry	Howze	Poole
Adcock	Fanning	Jeter	Powell
Allen	Ferrell	Jones	Ringer
Bealle	Fite	Lee	Rives
Blackwell	Forman	Letson	St. John
Boykin	Gaines	Long	Sessions
Burns	Glenn	Love	Sollie
Burton	Glover	Luck	Tiller
Byars	Goode	Melton	Tyson
Calloway	Graves	Moorer	Varner
Cato	Grove	Moxley	Verner
Cook	Guy	Nichols	Wall
Culver	Hall	Odom	Ware
Deloney	Hodgson	Parker	Young

—60

And the bill,

S. 296. To amend an Act to establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; and to provide for the transfer of certain causes now or hereafter pending in the Circuit Court of Morgan County, Alabama, to the Morgan County Court, approved September 24, 1919.

As amended by the substitute offered by Mr. Patterson, was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Jeter	Powell
Adams	Fite	Jones	Ringer
Adcock	Forman	Lee	Rives
Allen	Gaines	Long	Rountree
Bealle	Glenn	Love	St. John
Boykin	Glover	Luck	Sessions
Burns	Goode	Moorer	Sollie
Burton	Goodwyn	Moxley	Tiller
Byars	Graves	Nichols	Tyson
Cato	Grove	Norman	Varner
Coleman	Guy	Odom	Verner
Cook	Hall	Parker	Walker
Culver	Hampton	Patterson	Wall
Embry	Howard	Pickens	Ware
Fanning	Howze	Poole	Wyatt

—60

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 190. To amend section 7245 of the Code of Alabama, 1907.

J. E. Speight,
Secretary.

MESSAGE FROM THE GOVERNOR.

Message to the House of Representatives:

Gentlemen: I herewith return to you House Bill No. 312 without my approval.

While I am in full sympathy with the object and purpose of this appropriation it has been ascertained by the Budget Commission that neither the present nor the prospective revenues of the State will justify any ~~conditional or contingent appropriations~~, and consequently it necessitates my disapproval of the contingent and conditional appropriation contained in this bill. With the conditional and contingent appropriation stricken from the bill it will meet my approval, and I sincerely wish that the condition of the Treasury would permit my approving the entire appropriation contained in the bill.

If the bill be amended as follows, it will meet my approval, and I therefore suggest the following amendment:

Amend by striking out Section 10 of the bill and inserting in lieu thereof the following:

"Section 10. That Section 9 as amended by an Act approved September 29, 1920, be and the same is hereby amended so that Section 9 as hereby amended shall read as follows: That for the maintenance of the department including the payment of salaries and all expenses the sum of fifty thousand (\$50,000) dollars is hereby appropriated annually."

Respectfully submitted,

Wm. W. Brandon, Governor.

September 11, 1923.

On motion of Mr. Goodwyn the House concurred in and adopted the amendment proposed by the Governor to the bill, H. 312, said Governor's amendment being set out in the above and foregoing message from the Governor.

Yeas, 69; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	LeMaistre	Smith (Lee)
Adams	Fite	Letson	Snodgrass
Adcock	Forman	Long	Sollie
Allen	Gaines	Love	Stewart (Bibb)
Ashcraft (Lauderdl.)	Goode	Mooneyham	Stewart (Calhoun)
Bealle	Goodwyn	Moxley	Thompson (Etowah)
Bowen, Lewis	Graves	Nichols	Thompson (Jackson)
Burns	Grove	Odom	Tiller
Byars	Hampton	Parker	Tunstall
Calloway	Henley	Powell	Tyson
Christian	Henson	Ringer	Varnier
Cook	Hodgson	Rives	Verner
Culver	Holcombe	Rountree	Walker
Deloney	Howze	Sanders (Pike)	Wall
Dickinson	Jeter	Sessions	Ware
Dowdle	Jones	Smith (Clay)	Williams
Dunwoody	Kilborn	Smith (Jefferson)	Young
Fanning	Kilpatrick		

Which was a majority of the whole number elected to the House.

And said bill

H. 312. To amend the caption, and Sections one, two, three, four, five, six, seven and eight of "An Act to establish a child welfare department for the State of Alabama to prescribe its duties, functions, and powers, and to provide for the appointment of an executive and other officers of such department, to define their duties, to provide for their compensation and to provide for the maintenance and other expenses of such department and to confer on said department all the duties, powers, and authority heretofore conferred on the State Prison Inspector insofar as his duties, powers and authority relate to children under 16 years of age," approved September 25, 1919; and Section (9) of said Act as amended by An Act approved September 27, 1920.

As amended by the amendment proposed by His Excellency the Governor, was again read a third time at length and passed.

Yeas, 71; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Jones	Smith (Jefferson)
Adams	Fite	Kilborn	Smith (Lee)
Adcock	Forman	Kilpatrick	Snodgrass
Allen	Gaines	LeMaistre	Sollie
Ashcraft (Fayette)	Glenn	Long	Stewart (Bibb)
Ashcraft (Lauder'd'e)	Glover	Luck	Stewart (Calhoun)
Bealle	Goode	McGowen	Thompson (Etowah)
Blackwell	Goodwyn	Mooneyham	Thompson (Jackson)
Burns	Graves	Nichols	Tiller
Burton	Grove	Norman	Tunstall
Byars	Hampton	Odom	Tyson
Christian	Hawkins	Parker	Varnier
Cook	Henson	Powell	Verner
Culver	Hodgson	Ringer	Walker
Deloney	Holcombe	Rives	Wall
Dickinson	Howard	Rountree	Ware
Dowdle	Howze	Sanders (Pike)	Young
Dunwoody	Jeter	Sessions	

—71

Which was a majority of the whole number selected to the House.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the House of Representatives:

I am directed by the Governor to return to you herewith House Bill No. 362, with his reason for so doing.

Respectfully,

A. L. Tyson,
Secretary to the Governor.

September 11, 1923.

MESSAGE TO THE HOUSE OF REPRESENTATIVES.

Gentlemen: I return herewith to you House Bill No. 362 without my approval.

This is a local bill and neither the enrolled nor the engrossed copy shows that any notice of the proposed bill is given as required by Section 106 of the Constitution. It may be that the journals of the two Houses show the notice and therefore comply with the Constitution. I call the attention of the House to this bill so that it may be properly disposed of for record.

It seems that a bill almost, if not identical, with this bill has been heretofore passed and approved by me as a Senate Bill. If so, there will be no necessity of this bill becoming a law. I have been informed by the author of this bill that such was the fact and I merely call the attention of the House to the matter so that proper disposal may be shown of record.

Respectfully,

Wm. W. Brandon,
Governor.

September 11, 1923.

GOVERNOR'S MESSAGE.

The question was upon the passage of the bill, H. 362, the veto of the Governor to the contrary notwithstanding and the House by a vote of Yeas 0, Nays 90, declined to pass said bill, H. 362, over the veto of the Governor.

Nays:

Messrs:

Mr. Speaker	Ferrell	Kilborn	Sessions
Adcock	Fite	Lee	Smith (Clay)
Allen	Forman	LeMaistre	Smith (Jefferson)
Ashcraft (Fayette)	Gaines	Letson	Smith (Lee)
Ashcraft (Lauderd'e)	Goode	Love	Snodgrass
Bealle	Goodwyn	Luck	Sollie
Bowen, Lewis	Graves	McGowen	Stewart (Bibb)
Burns	Grove	Moorer	Stewart (Calhoun)
Burton	Guy	Moxley	Thompson (Etowah)
Byars	Hampton	Nichols	Thompson (Jackson)
Calloway	Hatter	Norman	Tiller
Christian	Hawkins	Odom	Tyson
Cook	Henley	Parker	Varner
Culver	Henson	Patterson	Verner
Deloney	Hodgson	Powell	Walker
Dickinson	Howard	Ringer	Wall
Dowdle	Howze	Rives	Ware
Dunwoody	Hubbard	Rountree	Mrs. Wilkins
Embry	Jeter	St. John	Williams
Fanning	Jones	Sanders (Pike)	Young

—90

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was read at length and ordered spread upon the Journal:

Message to the Legislature:

Gentlemen: Section 123 of the Constitution provides among other things that the Governor shall from time to time give to the Legislature information of the state of the government and recommend for its consideration such measures as he may deem expedient.

I, therefore, call your attention to the fact that there is now an apparent deficit in the State treasury and I have made investigation and inquiry to ascertain the cause of this apparent deficit for the current fiscal year.

Section 121 of the Constitution provides among other things that the Governor may require information in writing, under oath, from the officers of the Executive Department on any subject relating to the duties of their respective offices. In pursuance of this I requested of the State Auditor that he furnish me an analysis of both the expenditures and receipts for the current year, with the view of ascertaining the cause of this apparent deficit.

I, therefore, submit to you for your information the reply of the State Auditor, together with a sworn statement by the State Auditor as to the expenditures from the State Treasury and the receipts thereof for the current year.

This statement furnished by the State Auditor shows clearly the cause for the apparent deficit in the State treasury for the current year.

The statement also shows that this administration has had no control over the greater amount of expenditures paid out of the State treasury during the current year. They were paid out under existing statutes and appropriations made by the former Legislature and released under orders of my predecessor in office, but they have been paid out of the State treasury during my administration.

I, therefore, recommend for your consideration the passage of such appropriation bills only as will conform to the report of the Budget Commission to the end that the appropriations will not exceed the probable revenues for the current or succeeding years of the present quadrennium.

Respectfully,

Wm. W. Brandon,
Governor.

September 11, 1923.

His Excellency, William W. Brandon,
Governor, State of Alabama,
Capitol.

Sir:

Your request that an analysis of the expenditures and receipts of the current year be made with the view of ascertaining the cause of an apparent deficit, and to answer certain published statements in the recent past with reference to same, has been received by me, and I have the honor to submit the following report:

The following statement will show the amount of certain items which are manifestly obligations of the previous administration, as of October 1, 1922:

Balance to the credit of Highway Department.....	\$ 1,471,892.39
Amounts requisitioned by the State Department of Education for erection, repair and equipment of Rural School Houses, intended by that department to apply to the appropriation of 1921-22 and so entered in their records, but for which warrants were not issued until after October 1, 1922, and appear in the records of the current year of the State Auditor	133,704.69
Total	\$ 1,605,597.08

Less:	
Cash on Hand, October 1, 1922.....	\$746,028.59
Outstanding warrants.....	357,769.09
Net Cash Available.....	\$ 424,204.10
	<u>\$ 1,181,393.98</u>

Other statutory trust funds have not been included as obligations since it has been the practice since 1907 to consider them available for general purposes.

Attention is called to the fact that the appropriations for educational institutions and other activities have been increased gradually over the ~~four year period, the peak of the burden on the general fund not coming~~ until the current year. The following statement shows the amount of such increases over any previous year:

Normal Schools	\$ 24,000.00
Auburn	28,000.00
Montevallo	5,000.00
University	10,000.00

Additional draft on the treasury this year over any other, \$67,000.00.

Not only has the draft on the treasury been increased on account of such increased appropriations as are cited above, but the salaries of the executive offices of the State were increased by Legislative enactment in 1919, said increases not becoming effective until January of this year.

It is quite apparent that the appropriations were made in arithmetical progression on the assumption that there would be a corresponding increase in the revenues. This increase is apparent for the first three years, however, there has been a material falling off in receipts for the current year, which was inevitable on account of property values falling off, and for which no one is responsible, especially this administration since these funds were collected on the assessment made by the Tax Adjusters at a time when they were in full power and working under the direct instructions of your predecessor and the State Tax Commission of his administration. The effect of this administration cannot be reflected in the collection of revenue until the year beginning October 1, 1923, and then only in part for the first year, since the machinery of the former administration was in operation for a part of the current year, upon which assessment the revenues of next year will be collected.

It must also be borne in mind that expenditures for education and Confederate Pensions are based on collections of the previous year; therefore, if any year shows a decrease in collections for these purposes the difference, or decrease, constitutes an overdraft on the receipts for such purposes during such deficient year and becomes a charge directly against the General Fund of that year. These decreases were as follows:

General State Tax.....	\$171,801.18
General Educational Tax.....	213,903.15
Pension or Old Soldiers' Tax.....	71,554.03
Total	<u>\$466,758.36</u>

The annual appropriation for feeding prisoners payable to the several sheriffs was exhausted in July 1922, and a special appropriation was neces-

sary in January in order that these officials might be reimbursed and there has been expended from this appropriation to date, \$32,672.00.

Another appropriation which has been pending for the past four years is that for the School of Trades and Industries to be located at Ragland, Alabama, amounting to \$30,000.00, warrant for which was released on January 12, 1923.

In addition to the above items, which have contributed to the present condition of the State's finances, there are two more of even greater importance, but which may easily escape the attention of the casual observer, to-wit:

1st. During every year since 1919, when the Auto License fees were collected for the benefit of the Highway Department, there has been an excess of receipts over disbursements from this source of about \$500,000.00 per annum, which has been used for general purposes. During the current year such receipts, although about \$300,000.00 in excess of any former year, have been expended for maintenance of highways, providing a Sinking Fund, paying interest on Highway Bonds and paying the operating expenses of the Highway Department. Although the first bonds were sold in July 1922, the sinking fund for these bonds was not drawn from the general fund until January 1923. Therefore, there has only been a balance available for general expenses from these funds this year of about \$55,000.00 or a deficit normally available for general purposes in former years of \$445,000.00.

2nd. The Convict Department has been producing an average net revenue for general purposes during the six years prior to 1922 of \$685,776.00 per annum. On account of contractual obligations in force on October 1st, 1922, and the continuation of improvements under way in this department at the beginning of this year the records show that instead of producing any revenue for general purposes, there is at present an excess of disbursements over receipts of \$853,112, which really represents a draft on the General Fund for this year as follows:

Loss of average annual net income due to	
outstanding obligations	\$ 685,776.00
Excess of disbursements over receipts.....	853,112.00
	<hr/>
	\$1,538,888.00

There were two appropriations made in favor of the Alabama Insane Hospitals in 1919 aggregating \$250,000.00. One of these appropriations, amount \$150,000.00, was "available only at such time within the four years preceding the convening of the next regular session of the Legislature of Alabama, as in the opinion of the Governor of Alabama, the State's financial condition may justify him in releasing the amount stated (\$150,000.00) from the State Treasury for the said purpose." (Acts 1919, page 1038.) The next regular session of the Legislature "convened on January 9th, 1923, but on January 15th, 6 days later, and the day you were inducted into office, a warrant for \$141,924.82, the remainder of this appropriation was released by your predecessor. Of the other appropriations for buildings and equipment, amount \$100,000.00, only \$59,500 had been released prior to October 1st, 1922, and was all that was released except in this fiscal year on both appropriations, thus throwing the burden of the difference or \$190,500.00 on the current year of this administration.

SUMMARY.

Definite outstanding obligations October 1, 1923.....	\$ 1,181,394.00
Increases for Maintenance of Educational Institutions.....	67,000.00

Decrease in available income.....	466,758.00
Payment of Sheriff's Feed bills brought over.....	32,672.00
Average annual amount previously available for general purpose from Highway Funds.....	445,000.00
Average annual amount normally available from Convict Department plus excess of expenditures over receipts for current year.....	1,538,888.00
Appropriations for Insane Hospitals thrown into this year's records.....	190,500.00
Appropriation to Ragland School.....	30,000.00
Total	\$ 3,952,212.00

LESS

Outstanding warrants August 24th.....	\$746,028.00	
Cash on hand.....	56,535.00	689,493.00
Estimated Normal Balance		\$ 3,262,719.00
Estimated deficit on September 30th, as showned by Budget Commission Report		2,750,000.00
Balance		\$ 512,719.00

It appears, therefore, if the expenditures and receipts had been normal as compared with previous years, that there could have been a balance as shown above under such normal operations.

The circumstances which have brought about the condition were in no manner under the control of this administration.

The figures used in this report are as of August 24, last, or the same as were used in compiling the statement included in the report of the Budget Commission to the Legislature.

Respectfully submitted,
W. B. Allgood,
Auditor.

Sworn to and subscribed before me this the 10th day of Sept., 1923.
David C. Fox,
Notary Public.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

H. 845. To impose a license or privilege tax on all deeds, bills of sale and other instrument of like character admitted to record in the probate offices of this State.

Lee Glenn,
Chairman.

The report of the Committee was concurred in and adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 716. To provide a system for the construction and maintenance of public roads and bridges for the County of Fayette, Alabama. By creating a Road Commission in the several precincts of said county; by appointing overseers in the several precincts by said Road Commission; by requiring the members of said Road Commission to take the oath of office; by requiring the Treasurer of said Road Commission to give bond; by requiring all male citizens between the age of eighteen and forty-five years to work on the public roads and bridges eight days each year or pay a commutation fee in lieu of work of \$8.00 per annum; by requiring the Road Commissioners and overseers to serve as such Road Commissioners and overseers when within road age; by prescribing the method of securing exemption from road duty; by providing for the collection of said commutation fees by the Treasurer of the several Road Commissions; by directing how said commutation fee shall be expended by said Road Commission; by requiring the Road Commission in the several precincts to make reports to the County Commissioners as to how said commutation fees have been expended; by providing a method for warning hands to work on said roads and bridges; by providing a method for excusing defaulters from working said roads and bridges; by providing for the making and painting of mile posts and direction signs to be paid for by the County Commissioners out of any special road funds; by providing the duties of County Commissioners, Road Commissioners and overseers with reference to said roads and bridges; by providing for the keeping and repairing of road tools, machinery and implements belonging to said county to be used for working and maintaining said roads and bridges; by providing for the removal of Road Commissioners and overseers for neglect of duty, drunkenness or incompetency; by providing for the paying of a license tax on wagons and motor trucks used on said roads and bridges for commercial purposes and said license tax to be used in repairing the roads and bridges of said county used or contemplated being used by the party paying said license tax; by requiring automobiles, taxicabs or other motor vehicles transporting passengers for hire on said public roads and bridges to pay a license tax to be used in repairing the roads and bridges of said county used or contemplated being used by the party paying said license tax; by prohibiting wagons and trucks on which a license tax is required to be paid from using said roads

and bridges for a period of twelve and fifteen hours after each rain of sufficient quantity to stand in puddles in said roads for a period of thirty minutes after each rain; by requiring the owners of said wagons and trucks to immediately repair damages to said roads when used in a soggy or boggy condition; by requiring the owners of said wagons and trucks to immediately repair all damage done to the bridges on said roads; by making the owners of said wagons and trucks liable for damage done to said bridges; by giving the county or any citizen thereof the right to enjoin said owners of said wagons and trucks from damaging or injuring said roads and bridges; by giving the County Court and ~~Circuit Court jurisdiction of all criminal violations of said Act;~~ by giving the Circuit Court jurisdiction of civil suits for damages to said roads and bridges; by requiring the Circuit Judge to give this Act in charge to the Grand Jury; by providing that violations of this Act shall be commenced in the County or Circuit Court; by making the sheriff, constables, state law enforcement officers and all road officials of said County to begin prosecution for violations of this Act; by authorizing the County Commissioners to supplement the commutation fees in the several precincts of said County from any special road or bridge funds or the gasoline tax fund by paying said supplement to the Road Commissions in the several precincts to be used by them in repairing and maintaining the roads in their respective precincts; by requiring the Road Commission through one of its members of the several precincts to report all violations of this Act to the Grand Jury and to report the condition of said roads of their respective precincts to said Grand Jury and providing penalties for the violations of this Act.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Ashcraft of Fayette, the House concurred in and adopted the Senate amendment to the bill, H. 716, said Senate amendment being as follows:

Amend House Bill No. 716 by striking out Sections 39, 40 and 41.

Amend House Bill No. 716 by striking out Section 43 and adding in lieu thereof the following, to-wit:

Section 43: That it shall be unlawful for any person, firm, association or corporation to haul by wagon or truck logs, timber, lumber, cross ties, sand, gravel, brick, stone, concrete goods, wares and merchandise of every kind and description on and along the public roads and bridges in Fayette, Alabama, for hire, profit or compensation or to be sold, offered for sale, bartered or exchanged, except wagons or trucks used for hauling children

to and from school, and also except wagons or trucks used for delivering or hauling ice, gasoline, oils and products of bottling plants, on the public roads of said county within twelve hours after a rainfall of sufficient quantity to cause the rainfall to stand in said highway for as long as thirty minutes after the falling, and when said roadway is muddy, boggy or wet caused from a slow, soaking rain it is expressly made unlawful for such trucks to be driven over said boggy or wet roads caused from slow osaking rains while in such condition; provided, however, that if the driving of such wagon or truck is from necessity returning from his trip or passing through said county over said road in the usual course of his business he may drive one way over said highway; provided further, that no truck equipped with solid or semi-pneumatic tires on the wheels may be operated on said highway within fifteen hours after said rainfall except on paved roads, except from necessity in returning from his trip or except when passing through said county over said roads in the usual course of business he may drive on said highway one way; provided, this section shall not apply to persons who only haul logs to saw mills to have sawed into lumber to improve their own premises or that of their tenants or to persons who haul **lumber from saw mills** to improve their own premises or that of their tenants and for their own private use, nor to persons who haul fire wood or stove wood to market or to persons hauling their own cotton or other farm produce to market or to persons hauling cross ties from their own land or to persons hauling goods, wares or merchandise from market for their own private use or that of their tenants. Provided further that this section shall not apply to persons hauling material and road machinery to use in improving, building and repairing the roads and bridges of said county.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Arrington

Ashcraft (Fayette)

Bealle

Blackwell

Boykin

Burns

Burton

Byars

Cato

Christian

Cook

Culver

Deloney

Dickinson

Dowdle

Ferrell

Fite

Gaines

Glenn

Glover

Goode

Graves

Grove

Guy

Hall

Hatter

Henley

Henson

Hodgson

Howze

Jeter

Jones

Lee

Long

Love

Luck

Melton

Moorer

Moxley

Norman

Odom

Parker

Pickens

Ringer

Rives

St. John

Sessions

Sollie

Tiller

Tunstall

Tyson

Varner

Wall

Walton

Ware

Wyatt

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House :

By Mr. Martin :

S. J. R. 148. Resolved by the Senate, the House concurring, that when the two Houses finally adjourn today, they shall convene on Thursday, September 13th, at 9:30 A. M.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the S. J. R. 148, which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House :

H. 321. Relating to and to further provide for the revenue of the State of Alabama, by providing for the registration and identification of motor vehicles, motor tractors, jitney busses, trailers, used on the public highways of Alabama, and for a registration or license fee therefor.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Tunstall, the House non-concurred in the Senate amendment to the bill H. 321, said Senate amendment being as follows :

AMENDMENT TO HOUSE BILL 321.

Amend House Bill 321 by striking out Section 19 and insert in lieu thereof the following :

Section 19. (a) To prevent motor vehicles within the meaning of this act from escaping taxation and to provide for the more efficient assessment and collection of taxes due on same, on and after the first day of October 1923, no license shall be issued to operate a motor vehicle on the public highways of this State, nor shall any transfer be made by the probate judge as provided under this act, until the ad valorem tax on such vehicle shall have been paid in the county for the preceding year as evidenced by a receipt of the tax collector where the owner of said vehicle resides, if the vehicle is owned by an individual, and

if the motor vehicle is owned by a firm, corporation or association, then as evidenced by the receipt of the tax collector in the county in which such motor vehicle is used or operated; provided that this section shall not apply to motor vehicles owned by dealers, the state, counties and municipalities. On and after the first day of October 1923 every person, firm or corporation who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation to the tax assessor of the county in which he resides, for the preceding tax year, and the tax assessor of such county shall deliver to such person who makes the return as herein required a certificate of assessment on a form prescribed by the State Tax Commission, and such certificate shall be the warrant of the tax collector to collect the tax as shown thereon. (b) If any motor vehicle has already been returned for the tax year 1923-24, the tax assessor shall issue a certificate showing the valuation of such motor vehicle, and the tax collector shall collect the taxes according to such valuation, and credit same upon the collectors' abstract as part payment. (c) After the first day of October 1923, motor vehicles within the meaning of this act, shall not be included in any assessment made by any person, firm or corporation as of the first day of October 1923 or subsequent years; and such motor vehicles shall not be considered as escaped property by reason of failure to include same in any tax return as of the first day of October 1923 or any subsequent year, but shall be assessed as herein provided.

(d) The judge of probate upon issuing a license as herein provided shall require the applicant to surrender the receipt of the tax collector, and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this act. Valuation for ad valorem assessment shall be 60% of the fair and reasonable value of same.

(e) Motor vehicles brought into this State after the first day of October and before the tax assessor has completed his assessment shall be subject to taxation the same as if it had been held or owned in the State on the first day of October. The probate judge is authorized to issue a motor vehicle license upon a certificate of the tax assessor certifying that there is no ad valorem taxes on said motor vehicle for the preceding year.

(f) For taking the acknowledgment required in application for motor vehicle license and for issuing the certificates of assessment and payment of the tax herein prescribed the tax assessor and the tax collector of each county of the State shall each receive ten cents, provided that no tax assessor or tax collector hereunder shall each receive more than three hundred dol-

lars; any amount above that sum to be paid into the general fund of the county.

(g) The tax assessors and collectors of the several counties in this State in addition to assessing and collecting the ad valorem taxes due the State and counties on motor vehicles, shall collect the ad valorem taxes on motor vehicles due all cities in this State which now have, or which may hereafter have a population of not less than thirty-five thousand people and not more than fifty thousand people according to the last Federal census or any such census which may hereafter be taken. The tax collectors shall report and pay over the money collected for said cities at the same time and in the same manner as state and county taxes are reported and paid over by him. Said tax assessors and collectors shall each receive a commission of two and one-half per cent of the amount of city taxes collected, and the tax collectors shall deduct said commission from amount collected before paying into the city treasury, and at the same time pay over to the tax assessor commissions due him under this act. The judge of probate shall not issue a license to operate a motor vehicle on the highways of this State until all ad valorem taxes due the said State, counties and cities are paid for the preceding year as shown by a receipt of the tax collector.

Amend Section 22 of H. 321 as follows:

By striking therefrom the words "For his private use and that of his family," where the same occur in the 41st line of said section, immediately following the word "owners" and immediately preceding the word "provided."

Amend Section 22 of House Bill No. 321 as amended, by adding after word "owner" on the 3rd line the following words:

Provided, that any County may levy and collect a reasonable privilege tax or license tax, on motor vehicles used for commercial purposes, for the purpose of maintaining the public roads, bridges and ferries of the County. Provided, however, that only one such County license tax can be levied and collected on one and the same motor vehicle at one and the same period of time.

Amend House Bill 321 by adding the following section:

"Section 25-A. The State Tax Commission is hereby authorized and empowered, when it deems it necessary to do so in order that all taxable property shall be listed for taxation, to appoint a deputy tax assessor whose duty it shall be to list for assessment and taxation any personal property subject to taxation in Alabama and which property is not entered on any tax return made to the county tax assessor or to the State Tax Commission. (a) Such deputy tax assessors shall hold office only at the will of and shall be governed by rules and regulations prescribed by

the State Tax Commission and shall have the same power and authority as county tax assessors in the performance of their duties in the assessment of personal property which has escaped taxation. (b) The compensation of deputy tax assessors appointed under this section shall not exceed twenty per cent of the actual amount of money collected by the county tax collector on the escaped personal property listed and assessed by said deputy assessors, which compensation shall be paid by the county tax collector, upon certificate of the State Tax Commission, out of the moneys collected by such tax collector on such escaped personal property assessments, the collector shall take a receipt therefor and such receipts shall be filed with the State Auditor at the time the tax collector makes his annual settlement and the amount shown thereon shall be a credit against such escape tax as assessments charged against the collector. (c) Deputy tax assessors appointed under this section shall be required to execute a bond, payable to the State of Alabama, in an amount prescribed by the State Tax Commission, which bond shall be filed with and approved by said Commission, and conditioned to faithfully perform the duties of deputy assessor.

Amend House Bill 321 by adding the following section:

"Section 25-B. The State Tax Commission is hereby authorized and empowered to appoint a license inspector for each county, provided that the same person may be appointed for more than one county. It shall be the duty of the license inspector to scrutinize the records and stubs kept in the office of the probate judge, and if it shall be reported to any license inspector or come to his knowledge that any person, persons, firms or corporations have failed or refused to take out licenses required by law, the license inspector shall forthwith cite such delinquent to appear before him at the courthouse of the county in which such citation is issued and show cause why the license or privilege tax required by law has not been paid and if such license is due, then the license inspector shall cause the delinquent to appear before the probate judge of the county and take out the same, but such probate judge shall not have the authority to determine the liability of such delinquent for such license, and shall in each case issue a license to the applicant therefor upon the payment by him of the amount or amounts prescribed in this Act. If such delinquent shall fail or refuse to take out license, the license inspector shall institute or cause to be instituted criminal proceedings against such delinquent, before any court having jurisdiction of such offense. In case of emergency the license inspector must commence the criminal proceedings in the first place. For performing the duties required by this section, the license inspectors are entitled to be paid by the delinquent, in

addition to the license, fifteen per cent of the amount of the license so collected from each delinquent, which must be paid in all cases if report has been made to the judge of probate of such delinquency, and if a criminal prosecution shall be commenced either by affidavit and warrant, or information or indictment, the license inspector shall be paid fifteen per cent of the penalty thereafter prescribed in such case, all cost and penalty to be paid in money, but in all proceedings under this Act, the license due October 1st shall not be delinquent before the first day of November of each year. Provided that such license inspector shall before entering upon his duties be required to enter into a bond in a sum to be fixed by the State Tax Commission, payable to the State of Alabama, conditioned as bonds of other State officers. License inspectors are authorized to appoint deputies, and the acts of such deputies shall be recognized as his acts, and he shall be responsible for the same. Such deputies shall receive no compensation for their services out of the State or county revenue, except in cases as otherwise provided in this Act. All citations to delinquents shall be served by any lawful officer, or by the license inspector, or his deputy, who shall be allowed as a fee one dollar and fifty cents (\$1.50) for each citation served, to be taxed against the delinquent. From penalties collected the license inspector shall be paid all fees due him for services, as provided in this Act. The residue shall be paid two-thirds to the State and one-third to the county. License inspectors shall have the same power to arrest persons violating the revenue laws of this State as is now vested in the sheriffs of the State, and shall receive the same fees for such service.

And asked for a Committee of Conference and the Speaker named as conferees on part of the House, Messrs. Tunstall, Goodwyn and Tiller.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has increased the membership of the Committee of Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 172. To amend an Act approved October 31, 1921, entitled An Act to provide further for the construction, repair, and maintenance of the public roads, bridges and highways in this State.

By one member, and the President of the Senate has appointed as such additional member Mr. Waddell.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 838. To provide for the selection of delegates to any National Party Convention whenever a citizen of the State of Alabama is a candidate for the nomination by any political party as its candidate for election as President of the United States.

J. E. Speight,
Secretary.

NOTICE GIVEN.

Mr. L. K. Bowen gave notice that on the next Legislative Day he would move to take H. 790 from the Adverse Calendar.

Mr. L. K. Bowen gave notice that on the next Legislative Day he would move to take H. 330 from the Adverse Calendar.

MESSAGE FROM THE GOVERNOR.

Message to the House of Representatives:

Gentlemen: I herewith return you House Bill No. 646 without my approval.

My objection to the bill is that some of its provisions are susceptible of a construction which is inconsistent with some of the constitutional provisions relating to the public highways of this State. The bill may be susceptible of the construction that some of its provisions might repeal some of the general highway laws of the State which are intended to give effect to the constitutional provisions as to the public highways. I take it that such effects were not the object or purpose of the bill.

I, therefore, suggest the following amendment which, in my judgment, is proper, if not necessary, to leave no doubt or uncertainty in these respects:

Amend the bill by adding at the end thereof the following proviso:

"Provided that this act and no provision thereof shall ever be so construed or enforced as to repeal or supersede any of the provisions of the general highway laws of this State which are intended to apply to all counties in the State and to enforce and give effect to the constitutional provisions of this State relating to public highways, roads and bridges."

Respectfully submitted,

Wm. W. Brandon,
Governor.

September 11, 1923.

On motion of Mr. Forman the House concurred in and adopted the amendment proposed by the Governor to the bill, H. 646, said Governor's amendment being set out in the above and foregoing message from the Governor.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Hornsby	Poole
Adams	Fanning	Howard	Powell
Adcock	Ferrell	Howze	Ringer
Allen	Fite	Jeter	St. John
Arrington	Glenn	Jones	Sanders (Pike)
Bealle	Glover	Lee	Snodgrass
Boykin	Goode	Long	Sollie
Burns	Graves	Love	Tunstall
Burton	Grove	Luck	Tyson
Byars	Guy	Melton	Varnier
Calloway	Hall	Moorer	Wall
Cato	Hatter	Moxley	Ware
Cook	Henley	Nichols	Mrs. Wilkins
Deloney	Henson	Parker	Williams
Dowdle	Hodgson	Pickens	Young

—60

Which was a majority of the whole number elected to the House.

And said bill

H. 646. To provide further for the construction, repair and maintenance of the public roads and highways of Morgan County, Alabama, so as to create a Superintendent of Roads for Morgan County, Alabama, to be known as the Road Superintendent; to provide for the appointment thereof by the Governor; to vest him with full, complete, and unlimited jurisdiction over the public roads, bridges and ferries in Morgan County; to prescribe and define his powers and duties as such Road Superintendent, and to repeal all laws and parts of laws in conflict therewith; to provide for the establishment of a public road fund and for the levying of certain taxes for the benefit of the public roads; to authorize the Superintendent to take charge of all public road tools and machinery belonging to the county; and to levy and collect special privilege license tax for the construction and maintenance of public roads, bridges and ferries in the county; to authorize the Superintendent of Roads to exercise all the legislative, judicial and executive authority over the public roads, bridges, and ferries; to fix penalties for the violation of this Act; to provide for the election and the term of office of the Road Superintendent; to provide for the appointment of beat supervisors, and the registering of all males subject to public road duties; to provide for the exemption of those subject to road duty by the payment of a prescribed sum; to provide for the working of the public roads, and the investigation of all the acts of the Road Superintendent by the Grand Jury of Morgan County; to provide for the keeping of the Road Superintendent's account; to provide for the exercise of the right of eminent domain, and the employment of road overseers; to fix the salary of the Road

Superintendent, and the beat supervisors; to provide penalties for the failure to work upon the public roads, and for the prosecution of road defaulters; to provide for the giving of notice to those liable for road duty; to provide for the buying of tools and machinery, and the location and operation of the same.

As amended by the amendment proposed by the Governor, was again read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Holcombe	Poole
Adams	Dunwoody	Howze	Powell
Adcock	Embry	Jeter	Ringer
Allen	Ferrell	Jones	Rives
Bealle	Fite	Lee	St. John
Blackwell	Forman	Letson	Sessions
Boykin	Gaines	Long	Sollie
Burns	Glenn	Love	Tiller
Burton	Glover	Luck	Tyson
Byars	Goode	Melton	Varner
Cato	Guy	Moorer	Walker
Christian	Hall	Moxley	Wall
Cook	Hatter	Odom	Ware
Culver	Henley	Parker	Williams
Deloney	Henson	Pickens	Young

—60

Which was a majority of the whole number elected to the House.

UNFINISHED BUSINESS.

The House proceeded to the consideration of the unfinished business, which was the bill

H. 570. To provide a general system of legislation pertaining to agriculture and industries, and related subjects, including therein: the establishment of a Department of Agriculture and Industries; a State Board of Agriculture; the abolishment of the Board of Agriculture as provided by an Act approved February 11, 1911, and known as the Board of Agriculture; the abolishment of the Board provided for by Chapter 24 of the Code of 1907, as subsequently amended and known as the State Board of Horticulture; and the abolishment of a Board provided for by Article 4 of Chapter 22 of the Code of 1907, as subsequently amended and known as the State Livestock Sanitary Board; the transfer of all the powers and duties vested in and required to be performed by the said boards abolished, and of any unexpended balances of fees or appropriations to the said Board created in this Act; the prescribing of the powers and duties of the Commissioner of Agriculture and Industries, and

of the State Board of Agriculture; and including ample provisions governing and regulating the subjects of fertilizers and fertilizer materials; limestone; white lead or paints, linseed oil, and turpentine; kerosene and other illuminating oils; insecticides and fungicides; commercial feeds; agricultural seeds; eggs; vinegar; sausage, imitation butter and cheese; milk, cream, ice cream and other dairy products, and the premises thereof; foods and drugs; bleached flour; corn meal; mills and millers; bees and honey; weights and measures, and the legal weights and measures of certain commodities; public gins; cotton; cotton **standards and public cotton classers; public warehouses; uniform law of warehouse receipts; horticultural and floracultural products; trees, fruit trees, seeds, plants and vines as to name, variety and kind; citrus fruits; sale of farm produce by the producer; standards for agricultural products and their containers; standards for grain; livestock; livestock pedigrees, stock running at large; estrays; public service of stallions and jacks; the sale of farm produce on commission; the leveeing, ditching and draining of wet, swamp and overflowed lands; the purchase and support of experimental farms by counties; the approval and support of county agents; the establishment of an Agricultural Fund in the State Treasury out of the sums accruing from the operation of the provisions of this Act, and the appropriations from said fund, except for those purposes that have been heretofore and are now provided for in the general appropriation bills, for the support of these provisions; and the repeal of all laws and parts of laws in conflict with the provisions of this Act.**

And substitute for said bill, H. 570, reported by the Standing Committee on Agriculture as amended by the amendment offered by Mr. Goode.

The question was upon the adoption of the substitute reported by the Standing Committee on Agriculture as amended by the amendment offered by Mr. Goode.

RECESS.

Pending the further consideration of said bill, H. 570, and the substitute, the House on motion of Mr. Goode recessed until 8 o'clock tonight.

NIGHT SESSION.

The hour of eight o'clock having arrived, the House reconvened.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate accedes to a request of the House for a Committee of Conference on the disagreements of the two Houses on the Senate amendments to the bill:

H. 321. Relating to and to further provide for the revenue of the State of Alabama, by providing for the registration and identification of motor vehicles, motor tractors, jitney busses, trailers, used on the public highways of Alabama, and for a registration or license fee therefor.

And the President of the Senate has appointed as conferees on the part of the Senate Messrs. Ellis, Powell and Teasley.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Randall:

S. 457. To provide for and regulate further the care, support and maintenance of the poor and paupers of the several counties of the State of Alabama.

By Mr. Brooks:

S. 389. To provide and submit to the qualified electors of the State of Alabama, at the general election next succeeding the session of the Legislature at which this amendment is proposed, an amendment to the Constitution of the State of Alabama, limiting the indebtedness of cities, towns and municipal corporations, by amending section 225 of said Constitution.

By Mr. Brooks:

S. 390. To provide and submit to the qualified electors of the State of Alabama, at the general election next succeeding the session of the Legislature at which this amendment is proposed, an amendment to the Constitution of the State of Alabama, authorizing the levy of taxes by cities and towns.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time at length and referred to appropriate Standing Committees as follows:

Revision of Laws, S. 457.

Judiciary, S. 389, S. 390.

MESSAGE FROM THE SENATE.

Mr. Speaker :

~~The Senate has originated and passed the following bill and~~
sends same herewith to the House:

By Mr. Martin:

S. 183. To further regulate Truck Traffic and the use of trucks upon the highways of Alabama; to further provide for the care and protection of said highways; to provide for the enforcement of this Act, and to give a right of action in the name of the State of Alabama or any County or Municipality in which said highway is located, or any citizen thereof, against any person, firm or corporation, causing injury or damage to such highways; and to provide a penalty for the violation of this Act.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Public Roads and Highways, S. 183.

J. E. Speight,
Secretary.

UNFINISHED BUSINESS.

The House proceeded to the consideration of the Unfinished Business, which was the bill,

H. 570. To provide a general system of legislation pertaining to agriculture and industries, and related subjects, including therein: the establishment of a Department of Agriculture and Industries; a State Board of Agriculture; the abolishment of the Board of Agriculture as provided by an Act approved February 11, 1911, and known as the Board of Agriculture; the abolishment of the board provided for by Chapter 24 of the Code of 1907, as subsequently amended and known as the State Board of Horticulture; and the abolishment of a board provided for by Article 4 of Chapter 22 of the Code of 1907, as subsequently amended and known as the State Livestock Sanitary Board; the transfer of all

the powers and duties vested in and required to be performed by the said boards abolished, and of any unexpended balances of fees or appropriations to the said board created in this Act; the prescribing of the powers and duties of the Commissioner of Agriculture and Industries, and of the State Board of Agriculture; and including ample provisions governing and regulating the subjects of fertilizers and fertilizer materials; limestone; white lead or paints, linseed oil, and turpentine; kerosene and other illuminating oils; insecticides and fungicides; commercial feeds; agricultural seeds; eggs; vinegar; sausage, imitation butter and cheese; milk, cream, ice cream, and other dairy products, and the premises thereof; foods and drugs; bleached flour; corn meal; mills and millers; bees and honey; weights and measures, and the legal weights and measures of certain commodities; public gins; cotton; cotton standards and public cotton classers; public warehouses; uniform law of warehouse receipts; horticultural and floracultural products; trees, fruit trees, seeds, plants and vines as to name, variety and kind; citrus fruits; sale of farm produce by the producer; standards for agricultural products and their containers; standards for grain; livestock; livestock pedigrees; stock running at large; estrays; public service of stallions and jacks; the sale of farm produce on commission; the leveeing; ditching and draining of wet, swamp and overflowed lands; the purchase and support of experimental farms by counties; the approval and support of county agents; the establishment of an agricultural fund in the State treasury out of the sums accruing from the operation of the provisions of this Act, and the appropriations from said fund, except for those purposes that have been heretofore and are now provided for in the general appropriation bills, for the support of these provisions; and the repeal of all laws and parts of laws in conflict with the provisions of this Act.

The question was upon the adoption of the substitute reported by the Standing Committee on Agriculture as amended by the amendment offered by Mr. Goode.

Mr. Luck offered the following amendment to the Committee substitute:

Amend the substitute for H. 570, Section 19 of Article 37 to read as follows:

Section 19. Every person, firm, company or corporation having in possession or charge as owner, agent, or otherwise one or more tick infested cattle, or having in possession or in charge as owner, agent or otherwise one or more cattle on a tick infested or quarantined premises, range, farm or pasture that has not been released from state and federal quarantine by the inspector in charge of such territory in such county,

shall dip such cattle every two weeks, on the day and at the vats specified by the inspector in charge of the vat most convenient or nearest to the cattle. Said tick infested premises, range, pasture or farm or tick infested cattle on any range, premises, farm or pasture, to be determined by an examination of such premises and cattle by the state or federal inspector in charge of said territory in such county, before such owner, agent or party in possession of such cattle or premises shall be required to dip such cattle. That whenever such cattle and premises become free from such ticks, which must be determined by an examination of such premises and cattle by the state or federal inspector in charge of such territory, the owner, agent or party in possession of such cattle or premises, shall not be required to dip such cattle, but such premises and cattle shall be released from quarantine. Provided that at any time before such county is released from quarantine if upon an examination of the cattle and premises or either by such state or federal inspector in charge of such territory in such county, it is discovered that such cattle or premises, pasture, range or farm are infected with such ticks, such person, firm, company or agents thereof in charge of such premises, pasture, farm or cattle thereon, shall be required to dip such cattle until released from quarantine by such inspector in charge of such territory in such county. One printed or written notice given by the inspector in charge to the person or persons in charge of or in possession of the cattle or premises, shall be legally sufficient to require the owner, agent, firm or person in charge to dip such cattle regularly every two weeks until released from quarantine.

Mr. Goode moved to table the amendment offered by Mr. Luck and the motion to table prevailed.

Yeas, 39; nays, 27.

Yeas:

Messrs:

Mr. Speaker	Deloney	Jones	St. John
Adams	Dowdle	Kilborn	Sanders (Pike)
Allen	Dunwoody	Lee	Smith (Lee)
Ashcraft (Fayette)	Forman	LeMaistre	Sollie
Ashcraft (Lauderdl.)	Goode	McGowen	Thompson (Etowah)
Bealle	Goodwyn	Mooneyham	Walker
Burns	Hall	Odom	Ware
Calloway	Hampton	Parker	Mrs. Wilkins
Cook	Hatter	Ringer	Williams
Culver	Hodgson	Rountree	

—39

Nays:

Messrs:

Blackwell	Byars	Ferrell	Guy
Bowen, Lewis	Embry	Fite	Henley
Boykin	Fanning	Grove	Henson

Holcombe	Luck	Rives	Stewart (Calhoun)
Howze	Nichols	Sanders (Conecuh)	Tyson
Jeter	Patterson	Smith (Jefferson)	Wall
Letson	Powell	Stewart (Bibb)	—27

Mr. Sanders of Pike offered the following amendment to the Committee substitute:

Amendment to the substitute for House bill 570:

Amend the substitute for House Bill No. 570 by striking from Article 25, horticultural products, the following sections:

Sections 4, 5, 6, 7, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 26.

The same being found on pages 88-91, 93-97, and pages 98 of the printed bill (the substitute), as referred to the Agricultural Committee on July 27, and known as printed bill No. 30.

On motion of Mr. Goode, the amendment offered by Mr. Sanders of Pike was laid upon the table.

Mr. Luck offered the following amendment to the Committee substitute:

Amend substitute H. 570, Article 37, Section 25, by adding after the word "Appropriation," in line 6 thereof, the following provision, "when in the opinion of such County Commissioners or Board of Revenue that such county has on hand ample and sufficient funds in the treasury thereof with which to carry on such tick eradication."

On motion of Mr. Goode, the amendment offered by Mr. Luck was laid upon the table.

And the substitute reported by the Standing Committee on Agriculture, as amended by the amendment offered by Mr. Goode, was adopted.

Yeas, 60; nays, 10.

Yeas:

Messrs:

Mr. Speaker	Embry	Long	St. John
Adams	Ferrell	Luck	Smith (Clay)
Adcock	Fite	McDaniel	Smith (Jefferson)
Allen	Forman	McGowen	Smith (Lee)
Ashcraft (Fayette)	Glenn	Mooneyham	Snodgrass
Ashcraft (Lauderdl.)	Goode	Moxley	Sollie
Bealle	Goodwyn	Nichols	Stewart (Calhoun)
Bowen, Lewis	Graves	Odum	Thompson (Etowah)
Bowen, L. K.	Grove	Parker	Tiller
Burns	Hampton	Patterson	Tyson
Byars	Holcombe	Poole	Walker
Calloway	Howze	Powell	Wall
Cook	Jeter	Ringer	Ware
Deloney	Kilborn	Rives	Mrs. Wilkins
Dowdle	Lee	Rountree	Williams
Dunwoody	LeMaistre		

*Nays:**Messrs:*

Blackwell
 Boykin
 Guy

Hall
 Henley
 Henson

Hodgson
 Hubbard

Sanders (Conecuh)
 Sanders (Pike)

—10

PAIRS ANNOUNCED.

The following pairs were announced:

Yeas:

Culver
 Fanning
 Hatter
 Walton

Nays:

Burton
 Norman
 Coleman
 Letson

And the bill,

H. 570. To provide a general system of legislation pertaining to agriculture and industries, and related subjects, including therein: the establishment of a Department of Agriculture and Industries; a State Board of Agriculture; the abolishment of the Board of Agriculture as provided by an Act approved February 11, 1911, and known as the Board of Agriculture; the abolishment of the board provided for by Chapter 24 of the Code of 1907, as subsequently amended and known as the State Board of Horticulture; and the abolishment of a board provided for by Article 4 of Chapter 22 of the Code of 1907, as subsequently amended and known as the State Livestock Sanitary Board; the transfer of all the powers and duties vested in and required to be performed by the said boards abolished, and of any unexpended balances of fees or appropriations to the said board created in this Act; the prescribing of the powers and duties of the Commissioner of Agriculture and Industries, and of the State Board of Agriculture; and including ample provisions governing and regulating the subjects of fertilizers and fertilizer materials; limestone; white lead or paints, linseed oil, and turpentine; kerosene and other illuminating oils; insecticides and fungicides; commercial feeds; agricultural seeds; eggs; vinegar; sausage, imitation butter and cheese; milk, cream, ice cream, and other dairy products, and the premises thereof; foods and drugs; bleached flour; corn meal; mills and millers; bees and honey; weights and measures, and the legal weights and measures of certain commodities; public gins; cotton; cotton standards and public cotton classers; public warehouses; uniform law of warehouse receipts; horticultural and floracultural products; trees, fruit trees, seeds, plants and vines as to name, variety and kind; citrus fruits; sale of farm produce by the producer; standards for agricultural products and their containers; standards for grain; livestock; livestock pedi-

grees; stock running at large; estrays; public service of stallions and jacks; the sale of farm produce on commission; the leveeing, ditching and draining of wet, swamp and overflowed lands; the purchase and support of experimental farms by counties; the approval and support of county agents; the establishment of an agricultural fund in the State treasury out of the sums accruing from the operation of the provisions of this Act, and the appropriations from said fund, except for those purposes that have been heretofore and are now provided for in the general appropriation bills, for the support of these provisions; and the repeal of all laws and parts of laws in conflict with the provisions of this Act.

As amended by the substitute reported by the Standing Committee on Agriculture, as amended, was read a third time at length and passed.

Yeas, 61; nays, 12.

Yeas:

Messrs:

Mr. Speaker	Embry	LeMaistre	St. John
Adams	Ferrell	Long	Smith (Clay)
Adcock	Fite	Love	Smith (Jefferson)
Allen	Glenn	Luck	Smith (Lee)
Ashcraft (Fayette)	Goode	McDaniel	Snodgrass
Ashcraft (Lauderd ¹)	Goodwyn	McGowen	Sollie
Bealle	Graves	Moxley	Stewart (Calhoun)
Bowen, Lewis	Grove	Nichols	Thompson (Etowah)
Bowen, L. K.	Hampton	Odum	Tiller
Burns	Holcombe	Parker	Tyson
Byars	Howard	Patterson	Walker
Calloway	Howze	Poole	Wall
Cook	Jeter	Ringer	Ware
Deloney	Kilborn	Rives	Mrs. Wilkins
Dowdle	Lee	Rountree	Williams
Dunwoody			

—61

Nays:

Messrs:

Blackwell	Glover	Henley	Hubbard
Boykin	Guy	Henson	Sanders (Conecuh)
Christian	Hall	Hodgson	Sanders (Pike)

—12

PAIRS ANNOUNCED.

The following pairs were announced:

Yeas:

Culver
Fanning
Hatter
Walton

Nays:

Burton
Norman
Coleman
Letson

Mr. Goode moved to reconsider the vote by which the bill H. 570 was passed and then moved to table his motion to reconsider and the motion to table prevailed.

On motion of Mr. Goode, the bill H. 570 was ordered sent forthwith to the Senate without engrossment.

BILLS ON THIRD READING.

H. 941. To provide for the establishing, construction and maintaining of public roads and bridges in Cullman county, Alabama; creating a highway commission for said county, and defining its powers, jurisdiction and duties.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Jones	Rives
Adams	Ferrell	Lee	Rountree
Adcock	Fite	Letson	St. John
Allen	Glenn	Long	Sessions
Arrington	Goode	Luck	Sollie
Bealle	Graves	Melton	Tiller
Blackwell	Grove	Moorer	Tunstall
Boykin	Guy	Moxley	Tyson
Burns	Hatter	Nichols	Varnier
Burton	Henley	Odom	Verner
Byars	Henson	Parker	Walker
Cato	Howard	Pickens	Wall
Cook	Howze	Poole	Ware
Culver	Hubbard	Powell	Wyatt
Dowdle	Jeter	Ringer	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 480 (with amendment). To enlarge and extend the jurisdiction of the Circuit Court of Tallapoosa County, Alabama, at Alexander City, in said County, and to provide for the holding of regular terms of said court.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Revision of Laws, said Committee amendment being as follows:

Revision of Laws amendment to H. 480:

Strike out the words "second Monday in February" where they appear in section one of said bill, and insert in lieu thereof "First Monday in February." Strike out the words "second Monday in August and insert in lieu thereof "First Monday in August."

Amend the fourth section of said bill by striking out the words "at large" where they appear in the third line of section

four of said bill and inserting in lieu thereof the words "residing on the west side of Tallapoosa River."

Strike out of section four of said bill the following: "That there shall be drawn and summoned thirty-six regular petit jurors to serve at each term of said court in the same manner and under the same rules that jurors are now drawn, summoned and empanel under the general laws."

And the amendment was adopted.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Jeter	Ringer
Adams	Fite	Jones	Rives
Allen	Forman	Kilborn	St. John
Arrington	Glenn	Lee	Sessions
Bealle	Goode	Love	Sollie
Blackwell	Goodwyn	Luck	Tiller
Boykin	Graves	Melton	Tunstall
Byars	Grove	Moorer	Tyson
Cate	Guy	Moxley	Verner
Cook	Hatter	Nichols	Walker
Culver	Henley	Odom	Wall
Deloney	Hodgson	Patterson	Ware
Dowdle	Hornsby	Pickens	Mrs. Wilkins
Dunwoody	Howard	Poole	Williams
Embry	Howze	Powell	Young

—60

And the bill,

H. 480. To enlarge and extend the jurisdiction of the Circuit Court of Tallapoosa County, Alabama, at Alexander City, in said County, and to provide for the holding of regular terms of said court.

As amended, was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Howard	Powell
Adams	Ferrell	Howze	Rives
Allen	Fite	Jeter	Rountree
Arrington	Forman	Lee	St. John
Bealle	Gaines	Letson	Sessions
Blackwell	Glenn	Love	Sollie
Boykin	Goode	Luck	Tiller
Burns	Goodwyn	Melton	Tyson
Byars	Graves	Moorer	Verner
Cato	Guy	Moxley	Walker
Coleman	Hall	Odom	Wall
Cook	Hatter	Parker	Ware
Culver	Hawkins	Pickens	Mrs. Wilkins
Deloney	Henley	Poole	Wyatt
Dowdle	Holcombe	Posey	Young

—60

Mr. Walker moved to reconsider the vote by which the bill H. 480 was passed, and then moved to table his motion to reconsider and the motion to table prevailed.

H. 891. To amend and re-enact an Act entitled an Act to create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census, or which shall have such population according to any such census that may be hereafter taken special funds to be known as Policemen's Pension and Relief Funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pension and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years service; to provide for allowances or benefits to widows and children and dependent widowed mothers of such members of police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the county in which the city is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the Act being held unconstitutional shall not affect the validity of any other section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the Act be repealed. Approved February 16th, 1923.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Jeter	Rives
Adams	Dowdle	Jones	St. John
Adcock	Dunwoody	Lee	Sessions
Allen	Embry	Letson	Snodgrass
Bealle	Fite	Long	Sollie
Blackwell	Goode	Love	Tiller
Boykin	Graves	Luck	Tunstall
Burns	Guy	Melton	Tyson
Burton	Hall	Moorer	Verner
Byars	Henley	Moxley	Walker
Calloway	Henson	Nichols	Wall
Cato	Hodgson	Odom	Ware
Coleman	Hornsby	Parker	Mrs. Wilkins
Cook	Howard	Pickens	Williams
Culver	Howze	Poole	Young

—60

And the bill was ordered sent forthwith to the Senate without engrossment.

H. 331. For the relief of C. L. Spain.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Holcombe	Parker
Adcock	Dunwoody	Howard	Pickens
Allen	Embry	Howze	Poole
Bealle	Ferrell	Jeter	Posey
Bowen, Lewis	Fite	Jones	Powell
Bowen, L. K.	Gaines	Kilborn	Ringer
Boykin	Glenn	Lee	Rives
Burns	Glover	Letson	St. John
Byars	Goode	Long	Smith (Jefferson)
Cato	Guy	Love	Sollie
Christian	Hall	Luck	Tiller
Cook	Hampton	McDaniel	Tyson
Culver	Hatter	Moorer	Varner
Deloney	Hawkins	Moxley	Verner
Dickinson	Hodgson	Odom	Wall

—60

And the bill was ordered sent to the Senate without engrossment.

S. 352. To vacate, close and annul as public highways, streets or avenues of travel for the public use, that portion of Sixth avenue, north, which lies between and formerly connected Eighty-seventh street and Eighty-eighth street near the eastern city limits of the city of Birmingham, Alabama, and that portion of Eighty-eighth street beginning where said Eighty-eighth street connects with an alley between Fifth avenue road and Arola avenue, and running northward to a point where said

Eighty-seventh street now connects with said Eighty-eighth street, near the eastern city limits of the city of Birmingham, Alabama, and, to further provide that the title to land comprising said portions of said streets and avenues shall revert to, and vest in the owners of the abutting property.

Was read a third time at length and passed:

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Allen

Bowen, Lewis

Bowen, L. K.

Burton

Byars

Cato

Cook

Culver

Dickinson

Dowdle

Dunwoody

Embry

Fite

Forman

Glenn

Glover

Goodwyn

Graves

Grove

Hall

Hampton

Henley

Hodgson

Holcombe

Howard

Howze

Hubbard

Jeter

Lee

Letson

Luck

McDaniel

McGowen

Moxley

Norman

Odom

Parker

Patterson

Pickens

Poole

Rives

Rountree

Rutherford

Sanders (Conecuh)

Sanders (Pike)

Sessions

Smith (Clay)

Smith (Jefferson)

Smith (Lee)

Thompson (Etowah)

Thompson (Jackson)

Tunstall

Verner

Walker

Wall

Ware

Williams

Young

—60

S. 438. To alter the boundary line between Calhoun and Etowah counties and to transfer from Etowah county to Calhoun county fractions L, M and N of section 6, township 14 south, range 6 east.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Allen

Bealle

Boykin

Burns

Burton

Calloway

Cato

Culver

Deloney

Dowdle

Dunwoody

Embry

Fanning

Ferrell

Fite

Gaines

Glenn

Glover

Goodwyn

Graves

Grove

Hatter

Hawkins

Henley

Henson

Howard

Howze

Jeter

Jones

Kilborn

Lee

Letson

Long

Love

Luck

McDaniel

Melton

Moorer

Moxley

Nichols

Norman

Odom

Parker

Poole

Rives

St. John

Sanders (Conecuh)

Sanders (Pike)

Sessions

Smith (Clay)

Smith (Jefferson)

Smith (Lee)

Snodgrass

Stewart (Calhoun)

Thompson (Etowah)

Tiller

Tunstall

Tyson

Varner

Walker

Wall

Ware

Mrs. Wilkins

Williams

Young

—65

S. 347. To create and establish a Board of Revenue in and for Calhoun County, Alabama, in the place and instead of the Court of County Commissioners of Calhoun County now existing in said county, and abolishing said Court of County Commissioners of said county; to divide the said county of Calhoun into five districts for the election of members of the said Board of Revenue, and fixing the boundaries of said districts; defining the jurisdiction of said Board of Revenue and fixing their compensation, and conferring upon said Board of Revenue all the jurisdictions, powers and authority granted by law to Courts of County Commissioners, Boards of Revenue, or other governing bodies of like kind and authority in the State of Alabama; constituting the first members of said Board of Revenue, and providing for the election of their successors.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Hampton	Moorer	Smith (Lee)
Bealle	Hawkins	Moxley	Snodgrass
Blackwell	Henley	Nichols	Stewart (Bibb)
Boykin	Hodgson	Odom	Stewart (Calhoun)
Culver	Holcombe	Parker	Thompson (Etowah)
Dowdle	Howard	Patterson	Thompson (Jackson)
Embry	Howze	Pickens	Tyson
Fanning	Hubbard	Powell	Varnier
Forman	Jones	Ringer	Verner
Gaines	Kilborn	Rountree	Walker
Glenn	Kilpatrick	Rutherford	Wall
Glover	LeMaistre	Sanders (Conecuh)	Ware
Goodwyn	Letson	Sanders (Pike)	Mrs. Wilkins
Graves	McGowen	Smith (Clay)	Williams
Grove	Melton	Smith (Jefferson)	Young

—60

H. 953. To provide for the manner of appointing or electing a marshal or chief of police of the city of Athens, Alabama, and to provide for the fixing of his salary and term of office.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Cook	Graves	Howard
Adams	Culver	Grove	Howze
Adcock	Dickinson	Guy	Kilpatrick
Allen	Dowdle	Hall	Lee
Boykin	Forman	Hatter	LeMaistre
Burns	Gaines	Henley	Letson
Burton	Glenn	Henson	Long
Byars	Glover	Hodgson	Love
Cato	Goode	Hornsby	Luck

McDaniel	Patterson	Sessions	Tyson
McGowen	Pickens	Smith (Clay)	Varner
Melton	Poole	Smith (Lee)	Verner
Mooneyham	Posey	Snodgrass	Walker
Odom	Powell	Stewart (Bibb)	Wall
Parker	Ringer	Thompson (Etowah)	Williams

—60

And the bill was ordered sent to the Senate without engrossment.

H. 822. To provide for the election of a county superintendent of education for Clarke County, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for the election of his successor.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Graves	Long	Sanders (Pike)
Adams	Grove	Love	Smith (Clay)
Allen	Hatter	Luck	Smith (Jefferson)
Boykin	Hawkins	McDaniel	Snodgrass
Burten	Henley	McGowen	Stewart (Bibb)
Byars	Henson	Melton	Stewart (Calhoun)
Cato	Hodgson	Mooneyham	Thompson (Etowah)
Christian	Howze	Moorer	Thompson (Jackson)
Coleman	Hubbard	Moxley	Tiller
Cook	Jeter	Nichols	Tyson
Dowdle	Jones	Odom	Varner
Dunwoody	Kilpatrick	Parker	Verner
Gaines	Lee	Poole	Wall
Glover	LeMaistre	Posey	Ware
Goode	Letson	Powell	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 823. To provide for the election of a county superintendent of education for Clay County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment; to define his qualifications, powers and duties, and to provide for the election of his successor in office.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Boykin	Calloway	Dickinson
Adams	Burns	Cato	Dowdle
Arrington	Burton	Christian	Dunwoody
Bealle	Byars	Deloney	Ferrell

Fite	Hampton	Nichols	Rountree
Forman	Hatter	Norman	Rutherford
Gaines	Hawkins	Odom	St. John
Glenn	Henley	Parker	Sanders (Conecuh)
Glover	Henson	Patterson	Sanders (Pike)
Goode	Lee	Pickens	Smith (Clay)
Goodwyn	Luck	Poole	Snodgrass
Graves	McDaniel	Posey	Sollie
Grove	Melton	Powell	Tyson
Guy	Moorer	Ringer	Walker
Hall	Moxley	Rives	Wall

—60

H. 970. To better regulate public road working in Lauderdale county, Alabama, and to require the working thereon of wagons and teams, and to prescribe punishment for violation of the Act, and to provide for disposition of fines and road tax collected under the same.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Hubbard	Rutherford
Allen	Fite	Jeter	St. John
Ashcraft (Fayette)	Forman	Jones	Smith (Clay)
Ashcraft (Lauder ^d)	Gaines	Lee	Thompson (Etowah)
Bealle	Glenn	LeMaistre	Thompson (Jackson)
Burns	Guy	McDaniel	Tiller
Burton	Hall	McGowen	Tunstall
Byars	Hampton	Mooneyham	Tyson
Coleman	Hawkins	Moorer	Varnier
Cook	Henley	Moxley	Verner
Culver	Henson	Nichols	Walker
Dickinson	Hodgson	Norman	Wall
Dowdle	Hornsby	Posey	Ware
Dunwoody	Howard	Powell	Williams
Fanning	Howze	Rountree	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 774. To further provide for improvement and maintenance of the public roads and bridges of Crenshaw county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service, and levy and collect a special privilege license tax; to provide the manner in which the funds so collected shall be used in the improvement and maintenance of the public roads and bridges of said county and for other purposes as set out in this Act and to provide for penalty for violating of

and failure to comply with the provisions created under authority of this Act.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adcock

Allen

Ashcraft (Lauder^d)

Bealle

Boykin

Burton

Byars

Cato

Cook

Culver

Deloney

Dickinson

Dowdle

Dunwoody

Goodwyn

Grove

Guy

Henley

Henson

Hodgson

Hornsby

Howze

Hubbard

Jeter

Jones

Kilborn

Kilpatrick

Lee

Long

Love

Luck

McGowen

Moxley

Norman

Odom

Parker

Pickens

Poole

Posey

Ringer

Rives

St. John

Sanders (Conecuh)

Sanders (Pike)

Sessions

Smith (Clay)

Smith (Lee)

Snodgrass

Stewart (Bibb)

Thompson (Etowah)

Tiller

Tyson

Varner

Verner

Walker

Wall

Ware

Williams

Young

—60

And the bill was ordered sent to the Senate without engrossment.

S. 161. A bill to be entitled an Act to provide for and submit to the qualified electors of the State of Alabama, at an election to be held at the next General Election, after the final adjournment of the present session of the Legislature, at which this amendment is proposed; an amendment to the Constitution of Alabama; whereby Mobile County may levy and collect, for public school purposes, through its duly constituted governing authorities, a rate of taxation, on the property situated therein, not exceeding in the total in any one year, one-fifth ($1/5$) of one (1) per centum of the value of such property, as assessed as provided by the Constitution and statutes now existing or hereafter enacted pursuant to the Constitution, in addition to taxes levied under and pursuant to Section 215 of the Constitution of Alabama, of 1901, and in addition to taxes levied under and pursuant to Article XIX of the said Constitution, which Article XIX was added thereto by amendment; and whereby the existing legislation intended to empower the said county to levy and collect such taxation, is validated and confirmed.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama, is hereby proposed to be submitted to the qualified electors of the State of Alabama, for their consideration at an election to be held at the next General Election after

the final adjournment of the present session of the Legislature, at which this amendment is proposed, to-wit:

The County of Mobile, through its constituted governing authorities, may levy and collect for public school purposes a rate of taxation, on the property situated therein not exceeding in the total of any one year, one-fifth ($1/5$) of one (1) per centum of the value of such property as assessed as provided by the Constitution of Alabama and the statutes now or hereafter enacted pursuant to the said Constitution of Alabama, which said one-fifth ($1/5$) of one (1) per centum shall be in addition to taxes levied and collected under and pursuant to the authority of Section 215 of the Constitution of Alabama of 1901, and taxes levied and collected under and pursuant to Article XIX of the Constitution of Alabama of 1901 which Article XIX was added to the said Constitution by amendment; and existing laws attempting or purporting to authorize, empower and direct the said constituted authorities of the County of Mobile to levy and assess such a special tax in addition to the taxes levied and collected under and pursuant to Section 215 of the Constitution as aforesaid and taxes levied and collected under and pursuant to Article XIX of the Constitution as aforesaid, are hereby validated and confirmed.

Section 2. That it shall be the duty of the Governor of the State of Alabama, to give notice, by Proclamation, of the fact that such election will be held on the day hereby appointed for action by the electorate upon the amendment hereby proposed by this Act to be submitted to the qualified electors of the State for their consideration; and such Proclamation shall also set out the proposed amendment. The said Proclamation shall be published in one newspaper in each county in the State for at least eight successive weeks next preceding the day hereby appointed for the said election.

Section 3. That at said election on the amendment proposed by this Act to be submitted to the qualified electors of the State of Alabama, for their consideration, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election, there shall be printed the following:

"Shall the following be adopted as an amendment to the Constitution of the State of Alabama: The County of Mobile, through its constituted governing authorities, may levy and collect for public school purposes, a rate of taxation, on the property situated therein, not exceeding in the total of any one year, one-fifth ($1/5$) of one (1) per centum of the value of such property, as assessed as provided by the Constitution of Alabama and the statutes now or hereafter enacted pursuant to the said

Constitution of Alabama, which said one-fifth ($1/5$) of one (1) per centum shall be in addition to taxes levied and collected under and pursuant to the authority of Section 215 of the Constitution of Alabama, of 1901, and taxes levied and collected under and pursuant to Article XIX of the Constitution of Alabama of 1901, which Article XIX was added to the said Constitution by amendment; and existing laws attempting or purporting to authorize, empower and direct the said constituted authorities of the County of Mobile to levy and assess such a special tax in addition to the taxes levied and collected under and pursuant to Section 215 of the Constitution as aforesaid and taxes levied and collected under and pursuant to Article XIX of the Constitution as aforesaid are hereby validated and confirmed."

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by a cross mark made by him, or under his direction, opposite the word expressing his desire.

Section 4. That the officers who hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the general election laws of the State of Alabama for the appointment of officers and the holding of general elections in this State, and the election shall be held under and in all things governed by and had in accordance with the Constitutional provisions touching amendments to the Constitution of Alabama, and the general election laws of the State of Alabama.

Section 5. That the votes cast at said election shall be counted, canvassed and tabulated and return made to the Secretary of State in the same manner as in elections of Representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of the same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such part of the Constitution.

Section 6. The result of such election shall be made known by Proclamation of the Governor.

Section 7. The expenses of the election herein provided for and the costs of the publication of the notices, shall be paid out of the State Treasury in the same manner that the expenses of general elections are paid.

Was read a third time at length and passed.

Yeas, 70; nays, 0.

Yeas:

Messrs:

Adams	Dowdle	Hornsby	Parker
Adcock	Dunwoody	Howard	Pickens
Allen	Embry	Howze	Poole
Arrington	Fanning	Hubbard	Posey
Ashcraft (Lauderd'e)	Ferrell	Jeter	Powell
Bealle	Fite	Jones	Ringer
Bowen, Lewis	Forman	Kilborn	Rives
Bowen, L. K.	Glenn	Kilpatrick	Rountree
Burns	Glover	Lee	Rutherford
Burton	Goode	LeMaistre	Tiller
Byars	Goodwyn	Letson	Tyson
Cato	Graves	Love	Walker
Christian	Grove	Luck	Wall
Coleman	Hampton	McDaniel	Ware
Cook	Hatter	Melton	Mrs. Wilkins
Culver	Hawkins	Nichols	Williams
Deloney	Hodgson	Norman	Young
Dickinson	Holcombe	Odom	

—70

S. 439. To alter the boundary line between Etowah county and Calhoun county so as to transfer to Etowah county all that part of sections 34, 35 and 36 of township 12, range 8, which lies north of the Indian boundary line, and is now situated in Calhoun county, Alabama.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Jones	Ringer
Adams	Deloney	Kilborn	Rives
Adcock	Dickinson	Kilpatrick	Rountree
Allen	Dowdle	Lee	St. John
Bealle	Dunwoody	LeMaistre	Sanders (Conecuh)
Blackwell	Goode	Letson	Sanders (Pike)
Bowen, Lewis	Goodwyn	Long	Sessions
Bowen, L. K.	Graves	Love	Smith (Clay)
Boykin	Grove	Luck	Smith (Jefferson)
Burns	Guy	Odom	Smith (Lee)
Burton	Hall	Parker	Snodgrass
Byars	Hawkins	Patterson	Stewart (Bibb)
Calloway	Henley	Pickens	Stewart (Calhoun)
Cato	Henson	Poole	Thompson (Etowah)
Christian	Hodgson	Posey	Thompson (Jackson)
Coleman	Holcombe	Powell	Young
Cook			

—65

S. 365. To amend an Act entitled "An Act to establish an inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said

court; the terms, and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glover	Jeter	Rives
Adcock	Goode	Jones	Rountree
Allen	Goodwyn	Kilborn	St. John
Bealle	Graves	Kilpatrick	Sessions
Bowen, Lewis	Grove	Lee	Tiller
Bowen, L. K.	Guy	Love	Tunstall
Boykin	Hall	Luck	Tyson
Burns	Henley	McDaniel	Varner
Burton	Henson	McGowen	Verner
Byars	Hodgson	Melton	Walker
Cato	Holcombe	Moorer	Wall
Cook	Hornsby	Moxley	Ware
Culver	Howard	Nichols	Mrs. Wilkins
Fite	Howze	Odom	Williams
Glenn	Hubbard	Parker	Young

—60

H. 468. To amend an Act entitled "An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

Was taken up. On motion of Mr. Fite the bill was indefinitely postponed.

H. 907. To abolish the office of the Board of Education of St. Clair County, Alabama.

Was read a third time at length and passed.
Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Hall	Mooneyham
Adams	Dickinson	Hampton	Moorer
Adcock	Dowdle	Hatter	Moxley
Allen	Dunwoody	Hodgson	Nichols
Bealle	Embry	Holcombe	Norman
Blackwell	Fanning	Howard	Odom
Boykin	Ferrell	Howze	Parker
Burns	Fite	Jeter	Patterson
Burton	Forman	Jones	Pickens
Byars	Gaines	Kilborn	Poole
Cato	Glenn	Love	Posey
Christian	Glover	Luck	Powell
Coleman	Goode	McDaniel	Ringer
Cook	Goodwyn	McGowen	Rives
Culver	Graves	Melton	Rountree

—60

H. 909. To provide for the election of three school trustees for each school district in St. Clair County, Alabama, and to prescribe their duties.

Was read a third time at length and passed.
Yeas, 60; nays, 0.

Yeas:

Messrs:

Adcock	Ferrell	Howze	Rutherford
Allen	Fite	Hubbard	Sanders (Conecuh)
Burton	Forman	Lee	Sessions
Byars	Gaines	Letson	Smith (Clay)
Calloway	Glenn	Long	Smith (Lee)
Cato	Glover	Love	Tiller
Christian	Goode	Luck	Tunstall
Coleman	Hatter	Melton	Tyson
Culver	Hawkins	Moorer	Varner
Deloney	Henley	Moxley	Verner
Dickinson	Henson	Nichols	Wall
Dowdle	Hodgson	Pickens	Ware
Dunwoody	Holcombe	Posey	Mrs. Wilkins
Embry	Hornsby	Powell	Williams
Fanning	Howard	Rountree	Young

—60

H. 908. To provide for the election of a county superintendent of education for St. Clair County, Alabama; to fix his term of office; to prescribe his salary and the manner of payment; to define his qualifications, powers and duties; to provide for a special election to be held to elect such county superintendent under this Act, and to provide for the election of his successor in office.

Was read a third time at length and passed.
Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Hodgson	Rountree
Adams	Dowdle	Holcombe	Rutherford
Adcock	Dunwoody	Hornsby	St. John
Bealle	Embry	Jeter	Sanders (Conecuh)
Blackwell	Fanning	Jones	Sanders (Pike)
Bowen, Lewis	Ferrell	Kilborn	Sessions
Bowen, L. K.	Fite	Kilpatrick	Tiller
Boykin	Goodwyn	Lee	Tyson
Burns	Graves	LeMaistre	Varner
Cato	Grave	Letson	Verner
Christian	Guy	Love	Wall
Coleman	Hall	Luck	Ware
Cook	Hawkins	Moorer	Mrs. Wilkins
Culver	Henley	Moxley	Williams
Deloney	Henson	Nichols	Young

—60

H. 903. To provide for the better construction, repairing, working and maintaining of the public roads and bridges in Lawrence County, Alabama, and to regulate and control the expenditures of the revenue obtained under the operations of an Act approved February 10, 1923, "imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels in this State; providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act," or any additional revenue from changes of or amendments to said Act during the session or sessions of the present Legislature; to provide that no part of said revenue shall be used for the payment of any debt or debts contracted or made prior to the passage of this Act; to provide for the crushing of stone and the expense thereof and the hire of a Road Foreman; to provide that beginning with January 1, 1924, not less than one-eighth of all monies obtained under this Act, changes of or amendments thereto, during any four year period, shall be used in each Commissioners District; that five per cent of the revenue so obtained for the four year period beginning January 1, 1924, shall be used in the purchase of ordinary road tools which tools shall be under the control of a bonded officer; to provide for the working of all persons subject to road duty in said county and the collection and disbursement of any moneys in lieu thereof; to provide that overseers keep a record and make reports to the Probate Judge, that overseers may be fined for mis-use of tools or embezzlement of money; that

owners of large trucks of other vehicles shall be liable if responsible for damage to bridges; that the Board of Revenue shall be prohibited from classifying and taxing wagons or other vehicles owned by the producer and used exclusively or partly in the production or handling of farm products; that all funds of the county accruing from the automobile license tax shall be used on the public roads and bridges; to provide for working convicts on roads of said county, to provide punishment for persons refusing or failing to work roads after legal warning, to provide that the Board of Revenue may impose a tax for road purposes on trucks, telegraph, telephone and express companies, sewing machine agents, lightning rod agents and circuses or traveling shows and to provide for the necessary blanks, books and stationery for the purposes of this Act.

Was taken up. Mr. Byars offered the following amendment to the bill:

Amend caption of H. 903 by adding in first line the word "further" after the word "provide" and in the third line substitute the words "so as" for the word "and."

And the amendment was adopted.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	McDaniel	Stewart (Bibb)
Adams	Fanning	Melton	Stewart (Calhoun)
Adcock	Ferrell	Moorer	Thompson (Etowah)
Allen	Fite	Moxley	Thompson (Jackson)
Bealle	Glenn	Nichols	Tiller
Boykin	Glover	Norman	Tunstall
Burns	Graves	Odom	Tyson
Burton	Grove	Parker	Varner
Byars	Hall	Poole	Verner
Calloway	Hampton	Posey	Walker
Cook	Hatter	Powell	Wall
Culver	Hawkins	Rountree	Ware
Deloney	Lee	Rutherford	Mrs. Wilkins
Dickinson	Love	Sessions	Williams
Dowdle	Luck	Snodgrass	Young

—60

And the bill,

H. 903. To provide for the better construction, repairing, working and maintaining of the public roads and bridges in Lawrence County, Alabama, and to regulate and control the expenditures of the revenue obtained under the operations of an Act approved February 10, 1923, "imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels in this State; providing for the collection and payment of such tax and the distribution of

the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act," or any additional revenue from changes of or amendments to said Act during the session or sessions of the present Legislature; to provide that no part of said revenue shall be used for the payment of any debt or debts contracted or made prior to the passage of this Act; to provide for the crushing of stone and the expense thereof and the hire of a Road Foreman; to provide that beginning with January 1, 1924, not less than one-eighth of all monies obtained under this Act, changes of or amendments thereto, during any four year period, shall be used in each Commissioners District; that five per cent of the revenue so obtained for the four year period beginning January 1, 1924, shall be used in the purchase of ordinary road tools which tools shall be under the control of a bonded officer; to provide for the working of all persons subject to road duty in said county and the collection and disbursement of any moneys in lieu thereof; to provide that overseers keep a record and make reports to the Probate Judge, that overseers may be fined for mis-use of tools or embezzlement of money; that owners of large trucks of other vehicles shall be liable if responsible for damage to bridges; that the Board of Revenue shall be prohibited from classifying and taxing wagons or other vehicles owned by the producer and used exclusively or partly in the production or handling of farm products; that all funds of the county accruing from the automobile license tax shall be used on the public roads and bridges; to provide for working convicts on roads of said county, to provide punishment for persons refusing or failing to work roads after legal warning, to provide that the Board of Revenue may impose a tax for road purposes on trucks, telegraph, telephone and express companies, sewing machine agents, lightning rod agents and circuses or traveling shows and to provide for the necessary blanks, books and stationery for the purposes of this Act.

As amended, was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Cook	Hatter	Melton
Allen	Culver	Hawkins	Moorer
Bealle	Embry	Howard	Moxley
Boykin	Fanning	Howze	Nichols
Burns	Ferrell	Hubbard	Norman
Burton	Fite	Jones	Odom
Byars	Forman	Kilborn	Parker
Calloway	Gaines	Lee	Patterson
Cato	Grove	LeMaistre	Pickens
Christian	Guy	Letson	Poole
Coleman	Hampton	McGowen	Posey

Powell	Sessions	Varner	Ware
Ringer	Tiller	Verner	Mrs. Wilkins
Sanders (Conecuh)	Tunstall	Walker	Williams
Sanders (Pike)	Tyson	Wall	Young

—60

H. 937 (with amendment). To require the city council of the city of Gadsden to divide the city into five wards and to provide for the election of one alderman from each ward and a mayor at the next general municipal election of the city of Gadsden to be held as now provided by law and to provide that said mayor and five aldermen shall constitute the governing board of the city of Gadsden on and after the first day of October, 1924, and to fix their term of office, their compensation and their duties and provide for the selection by the city council of a City Attorney and fix his compensation.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Local Legislation, said Committee amendment being as follows:

Amend Section 9 to read as follows:

Section 9. The present City Council shall call an election not later than the first Monday in April, 1924, at which the qualified voters of the city shall vote for or against the plan of city government provided for in this Act and if the result of said election be against the form of city government herein proposed this Act shall not take effect and the officers as now provided by law shall be elected at the next general municipal election, but if the election shall be in favor of the plan herein proposed, then this Act shall be in force and effect. The election provided for in this section shall be held in the manner now provided by law for municipal elections, and notice of such election shall be given for one week by notice published in a newspaper published in the City of Gadsden two weeks before the election.

And the amendment reported by the Standing Committee on Local Legislation was adopted.

Yeas, 60; nays, 0.

Yeas:

Messrs:			
Mr. Speaker	Ferrell	Howze	Moorer
Ashcraft (Fayette)	Fite	Hubbard	Moxley
Ashcraft (Lauderd'e)	Forman	Jeter	Nichols
Boykin	Gaines	Jones	Pickens
Burns	Glenn	Kilborn	Poole
Burton	Glover	Kilpatrick	Posey
Byars	Guy	Lee	St. John
Culver	Hall	LeMaistre	Sanders (Conecuh)
Deloney	Hampton	McGowen	Sanders (Pike)
Dickinson	Hatter	Melton	Sessions
Fanning	Henley	Mooneyham	Smith (Clay)

Smith (Jefferson)	Thompson (Etowah)	Varner	Ware
Smith (Lee)	Tiller	Verner	Mrs. Wilkins
Stewart (Bibb)	Tunstall	Walker	Williams
Stewart (Calhoun)	Tyson	Wall	Young

—60

Mr. Thompson of Etowah offered the following amendment to the bill:

Amend House Bill 937 so as to make Section 6 thereof read as follows:

Section 6. The Mayor and Board of Aldermen may elect a City Attorney and fix his salary and prescribe his duties.

And the amendment was adopted.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Howard	Poole
Adams	Dowdle	Howze	Posey
Adcock	Dunwoody	Jeter	Rives
Allen	Embry	Jones	St. John
Arrington	Fite	Lee	Sessions
Bealle	Gaines	Letson	Sollie
Blackwell	Glenn	Love	Thompson (Etowah)
Boykin	Glover	Luck	Tiller
Burns	Goode	Melton	Tyson
Burton	Grove	Moorer	Varner
Byars	Guy	Moxley	Walker
Cato	Hall	Nichols	Wall
Cook	Hatter	Odom	Ware
Culver	Hodgson	Parker	Mrs. Wilkins
Deloney	Hornsby	Pickens	Young

—60

Mr. Thompson of Etowah offered the following amendment to the bill:

Amend House bill No. 937 so as to make Section 4 thereof read as follows:

Section 4. The aldermen of the city shall receive for their services a salary of not more than twenty-five dollars (\$25.00) per month and the mayor shall receive a salary of not more than two hundred fifty dollars (\$250.00) per month. The present city council shall fix the salaries for the Board of Aldermen and the Mayor to be elected in accordance with Section 2 of this Act; and thereafter the retiring Mayor and Board of Aldermen shall fix the salaries of the Mayor and Board of Aldermen elected to succeed them. The mayor shall be required to give his entire time to the duties of his office and as chief executor of the city shall supervise and direct the activities of all its departments under the law and the ordinances of said city and shall see that all its activities are carried on in an efficient and economical manner and make such reports and recommendations to the city

council from time to time as he may deem necessary, or as may be called for by the city council for the purpose of securing a wise and economical administration of the city's affairs.

And the amendment offered by Mr. Thompson of Etowah was lost.

Yeas, 22; nays, 34.

Yeas:

Messrs:

Adams	Deloney	Gaines	Long
Adcock	Dowdle	Glenn	Love
Ashcraft (Fayette)	Dunwoody	Goode	Odom
Bowen, L. K.	Fanning	Hampton	Poole
Boykin	Fite	Kilpatrick	Thompson (Etowah)
Cook	Forman		

—22

Nays:

Messrs:

Ashcraft (Lauder'd'e)	Goodwyn	Moxley	Snodgrass
Bealle	Graves	Patterson	Sollie
Bowen, Lewis	Grove	Powell	Stewart (Calhoun)
Burns	Hatter	Ringer	Tiller
Calloway	Hodgson	Rives	Walker
Culver	Holcombe	St. John	Wall
Embry	Howze	Sanders (Pike)	Ware
Ferrell	Luck	Smith (Jefferson)	Williams
Goode	McDaniel		

—34

And the bill,

H. 937. To require the city council of the city of Gadsden to divide the city into five wards and to provide for the election of one Alderman from each ward and a Mayor at the next general municipal election of the city of Gadsden to be held as now provided by law and to provide that said Mayor and five Aldermen shall constitute the governing board of the city of Gadsden on and after the first day of October, 1924, and to fix their term of office, their compensation and their duties and provide for the selection by the city council of a City Attorney and fix his compensation.

As amended, was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Burton	Glenn	Henson
Adams	Byars	Goode	Hodgson
Adcock	Cato	Graves	Hornsby
Allen	Christian	Grove	Howard
Arrington	Cook	Guy	Howze
Bealle	Culver	Hall	Jeter
Blackwell	Deloney	Hatter	Jones
Boykin	Fite	Hawkins	Lee
Burns	Gaines	Henley	Letson

Long	Odom	Rives	Varner
Love	Parker	Sessions	Verner
Luck	Pickens	Sollie	Walker
Melton	Poole	Thompson (Etowah)	Wall
Moorer	Powell	Tiller	Ware
Nichols	Ringer	Tunstall	Young

—60

H. 869. To provide for the election of a county superintendent of education for Fayette County, Alabama, fix his or her term of office, fix the qualifications, compensation and successor in office and prescribe his or her duties.

Was taken up. Mr. Ashcraft of Fayette offered the following amendment to the bill:

Amend by striking out Section 2 of the bill and inserting in lieu thereof the following:

"Section 2. The said County Superintendent of Education shall be a qualified elector of Fayette County and shall possess all the other qualifications now required or hereafter required by the general laws of this State as for qualifications for the office of County Superintendent of Education."

And the amendment was adopted.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Hornsby	Parker
Adams	Dunwoody	Howard	Poole
Adcock	Embry	Howze	Ringer
Allen	Fite	Jeter	Rives
Arrington	Gaines	Jones	St. John
Ashcraft (Fayette)	Glover	Lee	Sessions
Bealle	Goode	Letson	Tiller
Blackwell	Graves	Long	Tunstall
Boykin	Grove	Love	Tyson
Burns	Guy	Luck	Verner
Burton	Hall	Melton	Walker
Byars	Hatter	Moorer	Wall
Cato	Hawkins	Moxley	Ware
Christian	Henley	Nichols	Williams
Cook	Henson	Odom	Young

—60

And the bill,

H. 869. To provide for the election of a county superintendent of education for Fayette County, Alabama, fix his or her term of office, fix the qualifications, compensation and successor in office and prescribe his or her duties.

As amended, was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Henley	Powell
Adams	Dowdle	Hodgson	Ringer
Adcock	Embry	Howze	Rives
Allen	Ferrell	Jeter	St. John
Arrington	Fite	Jones	Sollie
Ashcraft (Fayette)	Forman	Lee	Tiller
Bealle	Gaines	Letson	Tunstall
Blackwell	Glenn	Long	Tyson
Boykin	Glover	Love	Varner
Burns	Goode	Luck	Verner
Burton	Graves	Melton	Walker
Byars	Grove	Odom	Wall
Cato	Guy	Parker	Ware
Cook	Hall	Pickens	Williams
Culver	Hatter	Poole	Young

—60

H. 808. To establish a Law and Equity Court for Franklin County, to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide for trial tax fees; to provide that said court shall be open all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; to provide for an official court reporter for said court and fix his compensation; and to provide for the transfer of causes now or hereafter pending in the Circuit Court of Franklin County, Alabama, to the Law and Equity Court; to abolish the County Court of Franklin County and the office of Deputy Solicitor of Franklin County.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Howze	Rives
Adams	Fite	Jeter	Rountree
Adcock	Glenn	Lee	St. John
Allen	Glover	Letson	Sessions
Bealle	Goode	Long	Snodgrass
Blackwell	Graves	Love	Sollie
Boykin	Grove	Luck	Tiller
Burns	Guy	Moorer	Tunstall
Byars	Hall	Nichols	Tyson
Cato	Hatter	Odom	Varner
Cook	Hawkins	Parker	Wall
Culver	Henley	Pickens	Ware
Deloney	Henson	Poole	Mrs. Wilkins
Dowdle	Hornsby	Powell	Williams
Embry	Howard	Ringer	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 642 (with substitute). To prescribe the duties of sheriffs as to Inferior Criminal Courts and to fix the compensation of Sheriffs for executing process out of Inferior Criminal Courts and for other services rendered in or to such Courts, in all counties having a population of over eighty thousand according to the last Federal census or which may hereafter have such population according to any Federal census hereafter taken, in which the Sheriff is not on a salary basis under and by virtue of a Constitutional amendment, and to provide the method of the payment thereof, and to repeal all laws, and parts of laws, general, local, private and special in conflict herewith.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Local Legislation, said committee substitute being as follows:

Substitute for H. 642:

A BILL.

To be entitled an Act to prescribe the duties of sheriffs as to Inferior Criminal Courts in all counties having a population of over eighty thousand, according to the last Federal Census, or which may hereafter have such population according to any Federal census hereafter taken, in which the sheriff is not on a salary basis under and by virtue of a constitutional amendment, and to fix the compensation of the sheriffs of such counties, as well as the compensation of the sheriffs of all other counties in which the sheriffs are now or may hereafter be required to perform for the inferior criminal courts of their respective counties the services and duties by this Act specified and numerated for sheriffs of counties having a population of over eighty thousand for executing process out of such courts and for other services rendered in or to such courts, and to provide the method of payment and to limit the amount of fees and allowances to be paid by counties in cases wherein the fine and costs are not paid by convicted defendants, and to repeal all laws, and parts of laws, general, local, private and special in conflict herewith.

Section 1. Be it enacted by the Legislature of Alabama that from and after the approval of this Act sheriffs in all counties having a population of over eighty thousand according to the last Federal census, or which hereafter may have such population according to any Federal census hereafter taken, in which the sheriff is not on a salary basis under and by virtue of a constitutional amendment, shall perform all of the duties that are now required of them by law in the execution of process of whatever nature or kind that may be issued out of all Inferior Criminal Courts in such counties, as well as all other duties now required of them in and to such courts, and in addition thereto

shall be required to keep in attendance upon such courts at all times while such courts are in session at least two bailiffs, one of whom must be a deputy sheriff.

Section 2. Be it further enacted by the Legislature of Alabama that from and after the approval of this Act the sheriffs of each of such counties shall also be required to furnish to the judge of the Inferior Criminal Court in such county every ninety days a written report, giving the number of warrants received by him from such Inferior Criminal Court during the preceding ninety days, together with the name of each defendant and the offense charged; a statement showing which of said warrants have been executed; and a statement showing which of said warrants have not been executed, giving, with regard to the latter, a statement setting forth his efforts to execute the same and his reasons for not having executed the same.

Section 3. Be it further enacted by the Legislature of Alabama that such sheriffs, and the sheriffs of all other counties of this State who are now or may hereafter be required by law to perform for the Inferior Criminal Courts, of their respective counties, the services and duties of this Act specified and enumerated, shall receive as compensation for their services for executing process out of all of such Inferior Criminal Courts, the same fees as are now paid for like services rendered in or to Circuit Courts in this State, such fees to be paid and collected in the same manner as fees to sheriffs for like services are now paid and collected in the Circuit Courts of this State the fees provided for to be in lieu of any and all salaries, fees or other compensation heretofore provided for any of such sheriffs, and such fees to be considered and treated as not only covering the compensation of such sheriffs for executing process issued out of such Inferior Criminal Courts but as also covering the compensation of such sheriffs for performing the other duties herein required of them, provided, however, that such fees shall only be paid in those cases where there are convictions, and provided, further, that the respective judges of said courts in entering judgment of conviction shall assess all costs against the defendant and include in such judgment a sentence for costs in event the costs are not paid by the defendant. Provided further that in no event shall the amount of fees or allowance to be paid to such sheriffs by the county for such services in those cases wherein the fines and costs have not been paid by convicted defendants exceed three hundred dollars in any one month.

Section 4. Be it further enacted by the Legislature of Alabama that all laws, and parts of laws, general, local, private and special, in conflict with the provisions of this Act be, and the same hereby are, repealed.

And the substitute was adopted.

Yeas, 60; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Deloney	Holcombe	Odom
Adams	Dowdle	Hornsby	Parker
Adcock	Dunwoody	Howard	Pickens
Allen	Embry	Howze	Poole
Arrington	Fite	Jeter	Powell
Bealle	Gaines	Jones	Rives
Blackwell	Glenn	Lee	St. John
Bowlin	Goode	Letson	Sollie
Burns	Goodwyn	Long	Tiller
Burton	Graves	Love	Tunstall
Byars	Guy	Luck	Tyson
Cato	Hall	Melton	Verner
Coleman	Hatter	Moorer	Wall
Cook	Hawkins	Moxley	Ware
Culver	Henley	Nichols	Mrs. Wilkins

—60

Nays: Mr. Grove—1.

And the bill,

H. 642. To prescribe the duties of sheriffs as to Inferior Criminal Courts and to fix the compensation of sheriffs for executing process out of inferior criminal courts and for other services rendered in or to such courts, in all counties having a population of over eighty thousand according to the last Federal census or which may hereafter have such population according to any Federal census hereafter taken, in which the sheriff is not on a salary basis under and by virtue of a constitutional amendment, and to provide the method of the payment thereof, and to repeal all laws, and parts of laws, general, local, private and special in conflict herewith.

As amended, was read a third time at length and passed.

Yeas, 60; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Gaines	Howze	Pickens
Adams	Glenn	Jeter	Poole
Adcock	Glover	Jones	Posey
Allen	Goode	Kilborn	Powell
Arrington	Goodwyn	Lee	Rives
Bealle	Graves	Letson	St. John
Burton	Guy	Long	Sollie
Byars	Hall	Love	Tunstall
Cato	Hatter	Luck	Tyson
Cook	Henley	Melton	Walker
Culver	Henson	Moorer	Wall
Dowdle	Hodgson	Moxley	Ware
Ferrell	Holcombe	Nichols	Mrs. Wilkins
Fite	Hornsby	Odom	Williams
Forman	Howard	Parker	Young

Nays: Mr. Grove—1.

—60

And the bill was ordered sent to the Senate without engrossment.

H. 902. To amend Section 1 of An Act entitled "An Act to amend an Act entitled 'An Act to incorporate the town of Sulligent in the County of Lamar, State of Alabama, approved Feb. 12th, 1897,' approved March 4th, 1907" so as to fix, define and enlarge the boundaries of the said town of Sulligent.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Howze	Poole
Adams	Embry	Jeter	Powell
Adcock	Ferrell	Jones	St. John
Allen	Fite	Lee	Sanders (Pike)
Arrington	Forman	Letson	Sessions
Bealle	Gaines	Long	Sollie
Blackwell	Glenn	Love	Tiller
Boykin	Goode	Luck	Tunstall
Burns	Guy	Melton	Tyson
Burton	Hall	Moorer	Varner
Byars	Hatter	Moxley	Verner
Cato	Henley	Nichols	Walker
Coleman	Henson	Odom	Wall
Cook	Hornsby	Parker	Ware
Culver	Howard	Pickens	Young

—60

H. 898. To authorize and empower the directors of the Alabama Boys' Industrial School to sell and convey land belonging to said school.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Howard	Powell
Adams	Deloney	Howze	Ringer
Adcock	Dowdle	Jeter	Rountree
Allen	Embry	Jones	St. John
Arrington	Fite	Lee	Sessions
Ashcraft (Lauderd ¹)	Gaines	Letson	Sollie
Bealle	Glenn	Long	Tiller
Blackwell	Goodwyn	Love	Tunstall
Boykin	Guy	Luck	Verner
Burns	Hall	Melton	Walker
Burton	Henley	Moorer	Wall
Byars	Henson	Nichols	Ware
Calloway	Hodgson	Odom	Mrs. Wilkins
Cato	Holcombe	Parker	Williams
Cook	Hornsby	Poole	Young

—60

H. 828. To provide for the compensation of members of the County Boards of Education in all counties of this State having a population of Two Hundred Thousand (200,000) or more according to the last Federal census or any subsequent Federal census.

Was read a third time at length and lost.

Yeas, 18; nays, 32.

Yeas:

Messrs:

Adcock
Bowen, L. K.

Grove
Henson
~~Holcombe~~
Kilpatrick
McDaniel

Odom
Poole
Ringer
Rives

Sollie
Tunstall
~~Ware~~
Williams

—18

Nays:

Messrs:

Ashcraft (Fayette)
Bealle
Bowen, Lewis
Culver
Deloney
Dowdle
Embry
Fanning

Ferrell
Fite
Gaines
Goodwyn
Graves
Guy
Hampton
Hodgson

Howze
Kilborn
Letson
Long
Love
Moxley
Patterson
Posey

St. John
Sanders (Pike)
Smith (Jefferson)
Smith (Lee)
Snodgrass
Stewart (Bibb)
Walker
Wall

—32

Mr. Fite moved to reconsider the vote by which the bill was lost and then moved to table his motion to reconsider, and the motion to table prevailed.

H. 950. To amend Sections 1, 2, 3, 6, 11, 17, 20, 22, 23, 24, 28, 30 and 34 of an Act of the Legislature of Alabama, entitled "An Act to provide for a better system of public roads for the county of Lamar, State of Alabama, and to provide ways and means by which said system may be maintained and effected, and to provide vehicle license and commutation fees and their manner of collection and expenditure," approved February 10, 1923.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker
Adams
Adcock
Allen
Bealle
Blackwell
Boykin
Burns
Burton

Byars
Cato
Cook
Culver
Deloney
Dowdle
Embry
Fite
Forman

Gaines
Glenn
Glover
Goode
Graves
Grove
Guy
Hall
Hatter

Hawkins
Henley
Henson
Howard
Howze
Jeter
Jones
Lee
Letson

Long	Nichols	Ringer	Walker
Love	Odum	Rives	Wall
Luck	Parker	Sollie	Ware
Melton	Pickens	Tiller	Mrs. Wilkins
Moorer	Poole	Tunstall	Williams
Moxley	Powell	Tyson	Young

—60

And the bill was ordered sent to the Senate without engrossment.

S. 342. To amend sections 6 and 17 of an Act, "Relating to dependent, neglected or delinquent children in all counties of Alabama, which now have, or which hereafter may have, a population of not less than seventy-five thousand people and not more than ninety-five thousand people according to the last Federal census or any such census that may be taken hereafter; to declare who are dependent, neglected or delinquent children, to declare that such children shall be wards of the State, to provide for their custody, discipline, supervision, care, protection, guardianship, and welfare; to create and establish in such counties juvenile courts and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction under the terms of this Act; to try and determine the question of dependency, neglect or delinquency of children in such counties; and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training, and generally to confer upon such court jurisdiction and power to try and determine all questions arising under the terms of this Act or which may otherwise be referred to them by law for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction or to carry out the purpose and intent of this Act; to provide for the trial and punishment of those who aid, abet, cause or connive at or contribute to the delinquency, neglect or dependency of such children; to provide and regulate the procedure in such cases; to confer power upon such courts to make rules and regulations; and to provide such forms when not otherwise provided for, under the terms of this Act as shall be found necessary or convenient to the exercise of its jurisdiction or for the conduct of probation or their work, as provided for in this Act; to provide for the taking and enforcing of recognizances and bonds; and for the taking of appeals from the decisions of such courts; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent as provided under the terms of this Act; and for the appointment of an advisory board to such court and to define the duties and powers of such court; to provide for the appointment of the judge and other officers of such court and to define their powers and

duties; and to provide for their compensation; to declare that should any part of this Act be found unconstitutional that it shall not affect the remainder thereof and to provide for the repeal of all laws in conflict with this Act." Approved October 2nd, 1920.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Jeter	Ringer
Adams	Fite	Jones	Rives
Allen	Gaines	Lee	Rountree
Arrington	Glenn	Letson	St. John
Bealle	Glover	Long	Sessions
Blackwell	Goode	Love	Sollie
Boykin	Goodwyn	Luck	Tiller
Burns	Graves	Melton	Tunstall
Byars	Guy	Moorer	Tyson
Calloway	Hall	Moxley	Varnier
Cato	Hatter	Norman	Walker
Cook	Henley	Odom	Wall
Culver	Henson	Parker	Ware
Deloney	Holcombe	Poole	Wyatt
Dowdle	Howze	Powell	Young

—60

S. 429. To amend an Act entitled "An Act to amend sections 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6460, 6461, 6462, 6463, 6464, 6465, of the Code of Alabama 1907," approved September 16, 1915.

Was taken up. The further consideration of the bill was postponed until the next Legislative Day.

H. 841. To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Walker county, Alabama; to define the duties and powers of the court of county commissioners, with the regard to same, and to fix penalties for the violations thereof and to provide for the payment of a per capita tax in lieu of road duty; to provide for the payment of a license or privilege tax on gasoline and to provide for the collection thereof and penalties for violation thereof.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Burns	Culver	Ferrell
Adams	Burton	Deloney	Fite
Adcock	Byars	Dowdle	Forman
Allen	Cato	Dunwoody	Gaines
Bealle	Christian	Embry	Glenn
Boykin	Cook	Fanning	Goode

Graves	Jeter	Nichols	Sollie
Grove	Jones	Odom	Tiller
Guy	Lee	Patterson	Tunstall
Hall	Letson	Poole	Tyson
Henley	Long	Powell	Verner
Henson	Luck	Rives	Wall
Holcombe	Melton	St. John	Ware
Howard	Moorer	Sessions	Wyatt
Howze	Moxley	Snodgrass	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 379 (with amendment). To designate a certain public road of Alabama as a State trunk road and provide for the manner in which said road shall be located, improved and maintained.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Public Roads and Highways, said committee amendment being as follows:

Amend Section 1 of said bill by adding after the word "Greenville" in Section 1 the following: Thence west through the following communities: Liberty, Pine Flat, Awin to Pine Apple.

Amend Section 1 of said bill H. 379 by adding after the word "Pine Apple," the words "Camden, Catherine, Thomaston, Linden, Jefferson, Moscow, Coatopa, Livingston, York, Cuba and on to the State line between Alabama and Mississippi."

Amend House Bill No. 379 by adding Section 2½. That said road shall take its name from the present Governor and that it shall be known after the passage of this act, as the "Brandon Highway."

And the amendment was adopted.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Hornsby	Pickens
Allen	Fanning	Howard	Poole
Arrington	Fite	Howze	Powell
Bealle	Forman	Jeter	Ringer
Blackwell	Gaines	Jones	Rives
Boykin	Glenn	Lee	Rountree
Burns	Glover	Letson	St. John
Burton	Goode	Long	Sanders (Pike)
Byars	Graves	Love	Sessions
Cato	Guy	Luck	Sollie
Christian	Hall	Melton	Tiller
Coleman	Hatter	Moorer	Tunstall
Culver	Hawkins	Moxley	Wall
Dowdle	Henson	Nichols	Ware
Dunwoody	Hodgson	Odom	Young

—60

And the bill,

H. 379. To designate a certain public road of Alabama as a State trunk road and to provide the manner in which said road shall be located, improved and maintained.

As amended, was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

~~Adcock~~

Allen

Bealle

Blackwell

Boykin

Burns

Burton

Byars

Cato

Coleman

Cook

Culver

Deloney

Dickinson

Dowdle

Dunwoody

Embry

Fite

Forman

Gaines

Glenn

Glover

Goode

Goodwyn

Graves

Grove

Guy

Hall

Henley

Henson

Hodgson

Holcombe

Hornsby

Howard

Howze

Jeter

Jones

Lee

Letson

Long

Love

Luck

Moorer

Moxley

Nichols

Norman

Odum

Posey

Powell

Sessions

Sollie

Tiller

Varnier

Verner

Walker

Wall

Ware

Young

—60

S. 356. To amend the title and the Act entitled "An Act to create and establish a board of county commissioners in and for Madison county, Alabama, in the place and instead of the board of revenue of Madison county now existing in said county and abolishing said board of revenue of Madison county; to divide said county of Madison into five districts, defining the boundaries thereof; defining the jurisdiction of said board of county commissioners, fixing their compensation; conferring upon said board of county commissioners all the jurisdiction, powers and authority granted by law to county commissioners, boards of revenue or other governing bodies of like name or authority in this State; authorizing the appointment of said board of county commissioners of a clerk; and a supervisor of public roads; providing for the holding of monthly meetings of said board of commissioners and providing for the repeal of all laws in conflict with this Act; providing for the appointment, nomination and election of said board of commissioners;" approved February 3rd, 1923.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Adams

Allen

Bealle

Boykin

Burns

Burton

Byars

Calloway

Cato

Christian

Coleman

Cook

Culver	Goodwyn	Letson	Ringer
Deloney	Graves	Long	Rives
Dickinson	Grove	Love	Sollie
Dowdle	Guy	Luck	Tiller
Dunwoody	Hall	Moorer	Tunstall
Embry	Hampton	Moxley	Tyson
Fite	Hatter	Nichols	Varner
Forman	Henley	Odom	Verner
Gaines	Hornsby	Parker	Walker
Glenn	Howard	Poole	Wall
Glover	Howze	Posey	Ware
Goode	Lee	Powell	Young

—60

H. 917. To fix the compensation or salary to be paid the Clerk of Courts of County Commissioners, Boards of Revenue and other Courts of like jurisdiction, in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken, and to regulate the payment of the same.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Henson	Parker
Adams	Fanning	Hodgson	Posey
Adcock	Ferrell	Howze	Powell
Allen	Fite	Hubbard	Ringer
Arrington	Forman	Jeter	Rives
Bealle	Gaines	Jones	Tiller
Boykin	Glenn	Letson	Tyson
Burns	Glover	Long	Varner
Calloway	Goode	Love	Verner
Cato	Goodwyn	Luck	Walker
Christian	Graves	Moorer	Wall
Coleman	Grove	Moxley	Ware
Cook	Guy	Nichols	Mrs. Wilkins
Culver	Hall	Norman	Williams
Deloney	Henley	Odom	Young

—60

And the bill was ordered sent to the Senate without engrossment:

H. 963. To provide for the election of a county treasurer of Walker county, Alabama, by the qualified electors of said county and to prescribe his duties and compensation.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:**Messrs:**

Adams
Adcock
Allen
Bealle
Boykin
Burns
Burton
Byars
Calloway
Cato
Cook
~~Culver~~
Embry
Fanning
Ferrell

Fite
Forman
Gaines
Glenn
Glover
Goode
Goodwyn
Graves
Grove
Guy
Hall
Hodgson
Holcombe
Hornsby
Howard

Howze
Hubbard
Jeter
Jones
Kilborn
Letson
Long
Love
Luck
Moorer
Moxley
Nichols
Norman
Odum
Parker

Patterson
Pickens
Poole
Posey
Powell
Ringer
Rives
Tiller
Tunstall
Tyson
Varner
Verner
Walker
Wall
Ware

—60

H. 934 (with substitute). To provide for the manner of taxing, collecting, and disbursing solicitors' fees in all judicial circuits in this State composed of only one county and having more than two and less than five Circuit Judges, and to provide that a portion of such fees may be expended by the Solicitor of such Circuit in the operation of his office and in the detection and prosecution of crime.

Was taken up. The question was upon the adoption of the substitute, reported by the Standing Committee on Local Legislation, said committee substitute being as follows:

Substitute for H. 934:

A BILL.

To be entitled an Act to provide for the manner of taxing, collecting, and disbursing Solicitors' fees in all judicial circuits in this State which are now or hereafter may be composed of only one county and which now have or may hereafter have more than two and less than five Circuit Judges, and to provide that a portion of such fees may be expended by the Solicitor of such Circuit in the operation of his office and the detection and prosecution of crime.

Be it enacted by the Legislature of Alabama:

Section 1. That in all Judicial Circuits in this State which are now or hereafter may be composed of only one county and which now have or may hereafter have more than two and less than five Circuit Judges, all solicitors' fees hereafter taxed and collected in any criminal case shall be paid into the County Treasury or to the County Depositary of the county composing such Circuit and shall become the property of and a part of the general fund of such county and be expended by it as such; and, if such solicitors' fees when taxed in any case be not paid and the

defendant is sentenced for such cost, the county shall not be required to account for or pay the same to the state.

Section 2. That in all such circuits, the solicitor thereof, in the operation of his office as solicitor and in the detection and prosecution of crime shall be and he is hereby allowed an expense account of not exceeding \$50.00 per month which expenditures or expenses shall be refunded or paid to him by the County Treasurer or County Depositary of the County composing such circuit, upon the presentation and filing of an itemized statement thereof, verified by the affidavit of such solicitor.

Section 3. If any section or provision of this act be held unconstitutional, it shall not invalidate any other section or provision of this act.

Section 4. That all laws or parts of laws in conflict either local or general are hereby repealed.

And the substitute was adopted.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Hampton	Love
Adams	Dowdle	Hatter	Luck
Adcock	Dunwoody	Hawkins	Odom
Allen	Embry	Henley	Parker
Arrington	Ferrell	Henson	Poole
Bealle	Fite	Holcombe	Posey
Blackwell	Forman	Hornsby	Powell
Boykin	Glenn	Howard	Rutherford
Burns	Glover	Howze	Sollie
Burton	Goode	Hubbard	Tiller
Byars	Goodwyn	Jeter	Tunstall
Coleman	Graves	Kilborn	Tyson
Cook	Grove	Lee	Wall
Culver	Guy	Letson	Ware
Deloney	Hall	Long	Young

—60

And the bill,

H. 934. To provide for the manner of taxing, collecting, and disbursing Solicitors' fees in all judicial circuits in this State composed of only one county and having more than two and less than five Circuit Judges, and to provide that a portion of such fees may be expended by the Solicitor of such Circuit in the operation of his office and in the detection and prosecution of crime.

As amended by the substitute, was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Adams	Gaines	Howze	Posey
Adcock	Glenn	Hubbard	Powell
Allen	Glover	Jeter	Ringer
Bealle	Goode	Jones	Rives
Blackwell	Graves	Kilborn	Rountree
Burns	Grove	Lee	Sollie
Burton	Guy	Letson	Tiller
Christian	Hall	Long	Tunstall
Coleman	Hampton	Love	Tyson
Cook	Hatter	Luck	Varner
Dowdle	Hawkins	Moorer	Verner
Dunwoody	Henson	Moxley	Walker
Embry	Hodgson	Odom	Wall
Fite	Holcombe	Parker	Ware
Forman	Howard	Poole	Young

—60

H. 800. To amend an Act, approved October 1st, 1920, entitled 'An Act to amend Section 9 of an Act entitled an Act' to provide for the appointment of an official court reporter by each circuit judge in Alabama; to fix their compensation, define their duties, and provide for special reporters in certain cases,' approved September 25, 1915.' "

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Hodgson	Norman
Adams	Fite	Holcombe	Odom
Allen	Forman	Hornsby	Parker
Bealle	Gaines	Howard	Poole
Blackwell	Glenn	Howze	Posey
Boykin	Glover	Hubbard	Powell
Burns	Goode	Jeter	Ringer
Burton	Graves	Jones	Rives
Byars	Grove	Kilborn	Tunstall
Cato	Guy	Letson	Tyson
Christian	Hall	Long	Varner
Coleman	Hatter	Love	Verner
Cook	Hawkins	Moorer	Walker
Culver	Henley	Moxley	Wall
Dowdle	Henson	Nichols	Ware

—60

S. 364. To amend section 7 of an Act entitled an Act to establish an inferior civil court in lieu of justices of the peace for all precincts lying within or partly within the city of Mobile, approved April 15th, 1911.

Was taken up. Mr. Grove offered the following amendment to the bill:

Amend Senate Bill No. 364 by amending Section 7 thereof by adding at the end of said Section 7 the following: "Provided

that so much of such compensation as is in excess of \$900.00 per annum shall not be allowed or paid unless said excess shall have first been fixed and approved by the Board of Revenue and Road Commissioners or other like governing body of the said county of Mobile.

And the amendment was adopted.

Yeas, 60; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Culver	Hornsby	Poole
Adams	Dunwoody	Howard	Posey
Adcock	Embry	Howze	Powell
Allen	Fite	Hubbard	Rives
Bealle	Forman	Jeter	Snodgrass
Blackwell	Gaines	Jones	Sollie
Boykin	Glenn	Kilborn	Tiller
Burns	Glover	Lee	Tunstall
Burton	Goode	Letson	Tyson
Byars	Grove	Long	Varnier
Calloway	Guy	Love	Verner
Cato	Hall	Luck	Walker
Christian	Henley	Norman	Wall
Coleman	Henson	Odom	Ware
Cook	Hodgson	Parker	Young

—60

Nays: Mr. Holcombe—1.

And the bill,

S. 364. To amend section 7 of an Act entitled an Act to establish an inferior civil court in lieu of justices of the peace for all precincts lying within or partly within the city of Mobile, approved April 15th, 1911.

As amended, was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Allen	Gaines	Hubbard	Poole
Bealle	Glenn	Jones	Posey
Blackwell	Glover	Kilborn	Powell
Boykin	Goode	Letson	Ringer
Burns	Goodwyn	Long	Rives
Burton	Graves	Love	Tiller
Byars	Grove	Luck	Tunstall
Coleman	Guy	Melton	Tyson
Cook	Hall	Mooneyham	Varnier
Culver	Hampton	Moorer	Verner
Deloney	Hatter	Moxley	Walker
Dowdle	Hodgson	Nichols	Wall
Embry	Holcombe	Norman	Ware
Fite	Hornsby	Odom	Williams
Forman	Howard	Parker	Young

—60

S. 399. To provide for the election of a County Superintendent of Education for Washington County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for the election of his successor in office.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams	Embry	Henley	Moxley
Adcock	Fite	Henson	Nichols
Allen	Forman	Hodgson	Norman
Bealle	Gaines	Holcombe	Poole
Boykin	Glenn	Hornsby	Posey
Burns	Glover	Howard	Powell
Burton	Goode	Howze	Ringer
Byars	Goodwyn	Jeter	Rives
Coleman	Graves	Jones	Tiller
Cook	Grove	Letson	Varner
Culver	Guy	Long	Verner
Deloney	Hall	Love	Walker
Dowdle	Hampton	Luck	Wall
Dunwoody	Hatter	McDaniel	Williams
	Hawkins	Moorer	Young

—60

H. 957. For the relief of Carl M. Glass, tax collector of Pickens county, Alabama.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams	Embry	Howze	Poole
Adcock	Ferrell	Jeter	Ringer
Allen	Fite	Jones	Rives
Bealle	Glenn	Lee	St. John
Blackwell	Goode	Letson	Sollie
Boykin	Graves	Long	Tiller
Burton	Grove	Love	Tunstall
Byars	Guy	Luck	Tyson
Cato	Hall	McDaniel	Varner
Coleman	Hatter	McGowen	Walker
Cook	Henley	Melton	Wall
Culver	Henson	Moorer	Ware
Dowdle	Hodgson	Nichols	Mrs. Wilkins
Dunwoody	Hornsby	Odum	Williams
	Howard	Pickens	Young

—60

H. 760. To appropriate the necessary sum for payment of amounts due by the State to any county for preparing and

serving food for prisoners in their respective county jails from January 1st, 1921 to June 30, 1923, and which are unpaid.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Jeter	Rives
Adams	Elliott	Jones	Rountree
Adcock	Fite	Lee	St. John
Allen	Gaines	Letson	Sessions
Arrington	Glenn	Long	Sollie
Bealle	Glover	Love	Tiller
Boykin	Goode	Luck	Tunstall
Burns	Guy	Melton	Tyson
Barton	Hall	Moorer	Varner
Byars	Hatter	Odom	Verner
Cato	Henley	Parker	Walker
Cook	Henson	Pickens	Wall
Culver	Hodgson	Poole	Ware
Deloney	Howard	Powell	Williams
Dickinson	Howze	Ringer	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 735. To amend Section 1 of an Act entitled "An Act to fix the pay of grand jurors and petit jurors serving in the Circuit Court of Crenshaw county. To prescribe the manner of payment and to prescribe the duties of the circuit clerk and county treasurer of Crenshaw under this Act," approved September 5, 1919.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glenn	Lee	Ringer
Adams	Glover	Letson	Rives
Allen	Goode	Long	Rountree
Bealle	Grove	Love	St. John
Blackwell	Guy	Luck	Sessions
Boykin	Hall	Melton	Sollie
Burns	Hatter	Moorer	Tiller
Byars	Hawkins	Moxley	Tyson
Cato	Henley	Nichols	Varner
Coleman	Henson	Norman	Walker
Cook	Hornsby	Odom	Wall
Culver	Howard	Parker	Ware
Dowdle	Howze	Pickens	Mrs. Wilkins
Fite	Jeter	Poole	Williams
Gaines	Jones	Powell	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 883. To provide for the payment and to make legal all claims, script and certificates issued to witnesses and officers heretofore registered with the treasurer of Tallapoosa county, and to authorize, empower and direct the treasurer of said county to pay the same out of the fine and forfeiture fund of said county in the order of registration.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Messrs:

Mr. Speaker	Embry	Jeter	Pickens
Adams	Ferrell	Jones	Powell
Adcock	Fite	Lee	Ringer
Allen	Forman	Letson	Rives
Bealle	Gaines	Long	Sessions
Blackwell	Glenn	Love	Sollie
Bowen, Lewis	Goode	Luck	Tiller
Bowen, L. K.	Graves	Melton	Tyson
Boykin	Guy	Moorer	Varner
Cato	Hall	Moxley	Verner
Cook	Hatter	Nichols	Wall
Culver	Henson	Norman	Ware
Deloney	Holcombe	Odom	Williams
Dickinson	Hornsby	Parker	Wyatt
Dowdle	Howze	Patterson	Young

—60

S. 398. To amend Section 7 of an Act approved March 31st, 1911. To better improve the public roads of Washington County, Alabama, and to make better provision for the working of said public roads, to divide said county into four road districts, and to provide for the election of a member of the court of county commissioners, as road supervisor for each of said districts; to provide the duties of said road supervisors; to require the overseers of public roads in Washington County, Alabama, to work under and in connection with the said supervisors; to fix the pay of said supervisors; to provide for reports of the said supervisors; and to provide a penalty for failure to comply with said law.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Blackwell	Cato	Embry
Adams	Boykin	Cook	Fite
Adcock	Burns	Deloney	Gaines
Allen	Burton	Dowdle	Glenn
Bealle	Byars	Dunwoody	Glover

Goode	Howard	Melton	Sessions
Graves	Howze	Moorer	Sollie
Grove	Jeter	Nichols	Tiller
Guy	Jones	Odom	Tyson
Hall	Lee	Parker	Varner
Hatter	Letson	Pickens	Wall
Henley	Long	Poole	Ware
Henson	Love	Posey	Mrs. Wilkins
Hodgson	Luck	Ringer	Williams
Hornsby	McGowen	Rives	Young

—60

H. 840. To authorize and direct the court of county commissioners, or board of revenue, or governing board or court of like jurisdiction in Walker county to pay for advertising the notice and substance of local bills to be introduced in the Legislature for said county, at the lawful rate of advertising in said county, out of any money in the county treasury not otherwise appropriated, when the bills apply to the entire county, and this Act shall apply to and include the notice and substance of bills advertised to be introduced at and during the present, 1923, session of the Legislature.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Jeter	Ringer
Adams	Embry	Jones	Rountree
Adcock	Fanning	Lee	St. John
Allen	Ferrell	Letson	Sessions
Bealle	Fite	Love	Sollie
Blackwell	Goode	Luck	Tiller
Boykin	Graves	Melton	Tunstall
Burns	Grove	Moorer	Tyson
Burton	Guy	Moxley	Varner
Byars	Hall	Nichols	Walker
Calloway	Henley	Odom	Wall
Cato	Henson	Parker	Ware
Cook	Hodgson	Pickens	Mrs. Wilkins
Culver	Howard	Poole	Williams
Deloney	Howze	Powell	Young

—60

H. 878. To fix the time for holding the jury terms of the County Court of Lawrence County, Alabama.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Bealle	Burns	Cato
Adcock	Blackwell	Burton	Coleman
Allen	Boykin	Byars	Cook

Deloney	Guy	Love	Sessions
Dickinson	Hall	Luck	Sollie
Dowdle	Hatter	Melton	Tiller
Embry	Hawkins	Moorer	Tunstall
Fanning	Hornsby	Moxley	Tyson
Ferrell	Howard	Nichols	Verner
Fite	Howze	Odom	Walker
Gaines	Jeter	Parker	Wall
Glenn	Jones	Pickens	Ware
Glover	Lee	Poole	Mrs. Wilkins
Goode	Letson	Powell	Williams
Graves	Long	St. John	Young

—60

S. 60. To provide for the extension of the time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, in all counties in this State which have a population of at least 92,500 and not more than 150,000, according to the last Federal census, and to authorize Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, having this said population, to issue new interest bearing warrants, at the same or a less rate of interest, in lieu of the warrants, the time of payment of which are to be extended, said extension of time for payment not to extend over a period of more than ten years from date of contract upon which said warrants were issued.

Was taken up. On motion of Mr. Grove the bill S. 60 was indefinitely postponed.

H. 575. To authorize county boards of education in the several counties of this State, to borrow money for the purpose of paying debts incurred or created by such boards, or that may be incurred or created until the first day of October, 1923, and to issue warrants therefor bearing interest at a rate not exceeding 6% per annum, payable at such time as the board may fix or to use such warrants in the payment of such debts.

Was taken up. On motion of Mr. Goodwyn the further consideration of the bill was postponed until the next Legislative Day.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 312. To amend the caption, and sections one, two, three, four, five, six, seven, and eight of "An Act to establish a child welfare department for the State of Alabama, to prescribe its duties, functions, and powers, and to provide for the appoint-

ment of an executive and other officers of such department, to define their duties, to provide for their compensation, and to provide for the maintenance and other expenses of such department, and to confer on said department all the duties, powers, and authority heretofore conferred on the State Prison Inspector insofar as his duties, powers, and authority relate to children under 16 years of age;" approved September 25, 1919; and section nine (9) of said Act as amended by an Act approved September 27, 1920.

By a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 26; nays, 0.

And said bill as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a majority of the whole number elected to the Senate; said vote being: Yeas, 26; nays, 0.

And said bill together with the Governor's message is herewith return to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 255. To declare a certain portion of eighth (8th) street in the city of Florala, Alabama, according to Garrett's map of Florala shall, upon the passage and approval of this Act, cease to be a public street, and authorize B. H. Meadows, his heirs and assigns, to perpetually use and occupy said portion of said street and vesting the title to same in the said B. H. Meadows.

Also:

H. 107. To repeal an Act entitled "To provide for the construction, care, maintenance, and improvement of the public roads of Franklin County; to provide funds, regulations, penalties and officers to ensure such construction, care, maintenance, and improvement, to provide a county superintendent of roads, prescribe his qualifications, method of selection, term of office, salary, duties, powers; to prescribe in general the records to be kept by said superintendent; to provide that the Court of County Revenue shall have full powers over the road system; to provide beat supervisors, sections overseers, and other persons to carry out said work on the road system of the county; to prescribe the duties of individuals and corporations in regard to the enforcement of said road law." Approved September 30, 1919.

Also:

H. 511. For the relief of Mrs. Carrie Robbins Norrell and have her name placed on the Confederate pension roll.

Also:

H. 761. To provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or any such census which may hereafter be taken. To regulate the selection and election of commissioners and their terms of office and recall from office, to fix their powers, duties and compensation, to punish improper conduct in connection with elections and petitions hereunder. To abolish police commissioners, aldermen and ~~certain other city officials, and otherwise provide for the creation~~ and maintenance of said commission form of government.

Also:

H. 615. To provide for the appointment of a Deputy Register of the Chancery Division of the Circuit Court in all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census and to fix the compensation of said Deputy Register.

Also:

H. 616. To fix the compensation of the Clerk of the Probate Court in all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census.

Also:

H. 356. To provide for the appointment of bailiffs in all courts of record in all counties of the State of Alabama having a population of 200,000 or more, according to the last or any subsequent Federal census, and to fix the compensation of such bailiffs and to provide for the payment of such compensation.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 646. To provide further for the construction, repair and maintenance of the public roads and highways of Morgan County, Alabama, so as to create a superintendent of roads for Morgan county, Alabama, to be known as the road superintendent; to provide for the appointment thereof by the Governor; to vest him with full, complete, and unlimited jurisdiction over the public roads, bridges and ferries in Morgan County; to prescribe and define his powers and duties as such Road Superintendent, and to repeal all laws and parts of laws in conflict there-

with; to provide for the establishment of a public road fund and for the levying of certain taxes for the benefit of the public roads; to authorize the Superintendent to take charge of all public road tools and machinery belonging to the County; and to levy and collect special privilege license tax for the construction and maintenance of public roads, bridges and ferries in the County; to authorize the Superintendent of Roads to exercise all the legislative, judicial and executive authority over the public roads, bridges, and ferries, to fix penalties for the violation of this Act; to provide for the election and the term of office of the Road Superintendent; to provide for the appointment of beat supervisors, and the registering of all males subject to public road duties; to provide for the exemption of those subject to road duty by the payment of a prescribed sum; to provide for the working of the public roads, and the investigation of all the acts of the road superintendent by the grand jury of Morgan county; to provide for the keeping of the road superintendent's account; to provide for the exercise of the right of eminent domain, and for the employment of road overseers; to fix the salary of the Road Superintendent, and the beat supervisors; to provide penalties for the failure to work upon the public roads, and for the prosecution of road defaulters; to provide for the giving of notice to those liable for road duty; to provide for the buying of tools and machinery, and the location and operation of the same.

By a vote of the whole number elected to the Senate; said vote being: Yeas, 29; nays, 0. And said bill as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a majority of the whole number elected to the Senate; said vote being: Yeas, 24; nays, 0.

And said bill and the Governor's message is herewith returned to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent forthwith to the House without engrossment, to-wit:

By Mr. Griffith:

S. 478. To authorize cities which now have a population of not less than thirty thousand nor more than fifty thousand of inhabitants according to the latest Federal census, or which may hereafter have such population according to any Federal census

hereafter taken, to fix and collect licenses for business done within the police jurisdiction of such city but without the limits thereof.

Also:

By Mr. Brower:

S. 479. To further regulate the financing of public improvements by cities having a population of over 100,000, according to the last or any subsequent Federal census.

Also:

By Mr. Craft:

S. 443. To empower and authorize the court of county commissioners or other board of like jurisdiction in any county in this State having a population of more than ninety-five thousand and not more than two hundred thousand inhabitants according to the last or any succeeding Federal census, to levy an excise tax on persons engaged in the business of selling or distributing gasoline or other liquor motor fuel in such county and to provide for the collection and payment of such tax, the deposit and safe-keeping thereof and to provide the purposes for which said fund must be used after paying the necessary expenses of collecting, keeping and administering the same.

Also:

By Mr. Powell:

S. 470. To repeal an Act, entitled "An Act to provide a better system and the more efficient working of the public roads in Bullock county, approved September 30, 1903."

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LEGISLATION.

Notice is hereby given of the proposed intention to apply for the passage by the Legislature of Alabama at its present session to reconvene to-wit, July 10, 1923, of a Local Act for Bullock County, Alabama, in substance as follows:

A bill to be entitled an Act:

To repeal an Act, entitled "An Act to provide a better system and the more efficient working of the public roads in Bullock County, approved September 30, 1903."

Be it enacted by the Legislature of Alabama:

Section 1. That an Act entitled "An Act to provide a better system and the more efficient working of the public roads of Bullock County, Alabama, approved September 30, 1903," be, and the same is hereby repealed.

Section 2. That this law shall take effect on and after its approval by the Governor.

S. P. Rainer,
Judge of Probate,
A. A. Adams,
D. E. Mason,
W. H. Boswell,
A. E. Hill,
County Commissioners.

State of Alabama, }
 Bullock County. }

Before me, Ernest L. Blue, a Notary Public for said State and County, personally appeared H. C. Smith, known to me, who being duly sworn, deposes and says that he is the Editor of the Union Springs Herald, a newspaper published in Bullock County, Alabama, and that the hereto attached notice was published in said newspaper in its issues of July 5th, July 12th, July 19th and July 26th, 1923.

Howard C. Smith.

Sworn to and subscribed before me this the 29th day of August, 1923.

Ernest L. Blue,
 Notary Public.

Also:

By Mr. Powell:

S. 471. To repeal an Act for the protection of lands and plantations from depredations by stock in Bullock county, approved December 8, 1880, and all amendments thereto.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LEGISLATION.

Notice is hereby given of the proposed intention to apply for the passage by the Legislature of Alabama at its present session, to convene, to-wit, July 10, 1923, of a local Act for Bullock County, Alabama, in substance as follows:

A bill to be entitled an Act to repeal an Act for the protection of lands and plantations from depredations by stock in Bullock County, approved December 8, 1880, and all amendments thereto.

Be it enacted by the Legislature of Alabama:

Section 1. That an Act entitled "An Act for the protection of lands and plantations from depredations by stock in Bullock County, approved December 8, 1880, be and the same is hereby repealed.

Section 2. That all Acts of the Legislature of Alabama, amendatory of said original Act, to-wit: An Act approved February 13, 1883; An Act approved February 23, 1883; An Act approved February 17, 1885; An Act approved February 13, 1897; An Act approved February 9, 1898; An Act approved February 11, 1893; An Act approved February 9, 1895; An Act approved February 24, 1881; An Act approved December 12, 1882; and An Act approved February 17, 1899, be, and the same are hereby repealed.

Section 3. That all amendments of said original Act, approved December 8, 1880, be, and the same are hereby repealed.

Section 4. That this law shall take effect on and after approval by the Governor.

S. P. Rainer,
 Judge of Probate,
 A. A. Adams,
 D. E. Mason,
 W. H. Boswell,
 A. E. Hill,
 County Commissioners.

State of Alabama, }
 Bullock County. }

Before me, Ernest L. Blue, a Notary Public for said State and County, personally appeared H. C. Smith, known to me, who being duly sworn, deposes and says that he is the Editor of the Union Springs Herald, a news-

paper published in Bullock County, Alabama, and that the foregoing and attached notice of proposal legislation was published in said newspaper in its issues of July 12th, July 19th, July 26th and August 2nd, 1923.

Howard C. Smith.

Sworn to and subscribed before me this August 29th, 1923.

Ernest L. Blue,
Notary Public.

Also:

By Mr. Foster:

S. 455. To fix the salaries of the members of the board of revenue of Tuscaloosa county, exclusive of the probate judge.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama, }
Tuscaloosa County. }

Before me, Annie Belle Whitson, a Notary Public in and for said State and County, personally appeared Aaron Miller, who is known to me and who being first duly sworn, deposes and says:

That he is the President of the Tuscaloosa News Publishing Company, publisher of the Tuscaloosa News, a daily newspaper published in the City of Tuscaloosa, County of Tuscaloosa, State of Alabama, and that to his certain knowledge the following notice, to-wit:

NOTICE.

Notice is hereby given that a local bill will be introduced during the present meeting of the Legislature of Alabama to increase the compensation of the members of the Board of Revenue for Tuscaloosa County, Alabama, to not exceeding one hundred and twenty-five dollars per month, such increase not to apply to the present terms.

has been published in the said Tuscaloosa News once a week for four successive weeks, and that the said notice appeared in the issue of the said Tuscaloosa News for the dates of August 7th, 14th, 21st and 28th, 1923.

Aaron Miller.

Sworn to and subscribed before me this the 29th day of August, 1923.
(Seal)

Annie Belle Whitson,
Notary Public.

Also:

By Mr. Johnson:

S. 466. To relieve the tax assessor of Marshall county, Alabama, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order the original assessment lists and have same permanently bound and kept as a permanent record and prepare tax collector's abstracts from said assessment lists. And relieve the county of paying for the making of such book.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL.

To be entitled An Act to relieve the Tax Assessor of Marshall County, Alabama, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order the original assessment lists and

have same permanently bound and kept as a permanent record and prepare tax collector's abstracts from said assessment lists. And relieve the county of paying for the making of such book.

Be it enacted by the Legislature of Alabama:

Section 1. That the Tax Assessor of Marshall County, Alabama, shall not be required to prepare a book of assessments such as is referred to in Acts 1919, page 305, section 63, but in lieu thereof shall be required to arrange in alphabetical order original assessment lists and cause the same to be permanently bound and such assessment lists when bound shall constitute the book of assessments to all intents and purposes and the certificate of the county board of review of assessments shall be entered upon each of said bound volumes of assessments. Such assessment lists when bound shall be preserved permanently as a matter of record and the collector's abstracts shall be prepared direct from the assessment lists.

Section 2. That the county is hereby relieved of paying the Tax Assessor for the making of the assessment book or arranging of the assessment sheets.

Section 3. That all laws and parts of laws that conflict with this Act are hereby repealed.

Section 4. That this Act shall be effective on its approval by the Governor.

Guntersville, Ala., August 29, 1923,

Personally appeared before me, Dayton Gilbreath, a Notary Public in and for Marshall County, Alabama, C. G. Fennell, Editor of the Guntersville Democrat, who being duly sworn, deposes and says that the attached bill was published four weeks in said Democrat, beginning August 1 and ending August 22, 1923.

C. G. Fennell.

Sworn to and subscribed this 29th day of August, 1923.

(Seal)

Dayton Gilbreath,
Notary Public.

Also:

By Mr. Duncan:

S. 486. To provide for the manner of appointing or electing a marshal or chief of police of the City of Athens, Alabama, and to provide for the fixing of his salary and term of office.

With notice and proof thereto attached and herewith exhibited as follows:

The State of Alabama,
Limestone County.

Notice is hereby given of the intention to apply to the Legislature of Alabama for the passage at the present session or any adjourned session thereof of a law pertaining to the City of Athens, Alabama, which shall be substantially as follows:

An Act to provide for the manner of appointing or electing a marshal or chief of police of the City of Athens, Alabama, and to provide for the fixing of his salary and term of office.

Be it enacted by the Legislature of Alabama:

Sec. 1. That hereafter the marshal of the City of Athens, Alabama, shall be officially designated and known as chief of police of said City of Athens, Alabama.

Sec. 2. That as soon as practicable after the mayor and board of aldermen or other governing body of the City of Athens, Alabama, shall be elected and enter upon their offices respectively, they shall elect a chief of police for the City of Athens, Alabama, and fix his salary.

Sec. 3. That said chief of police shall hold his office at the discretion of the mayor and board of aldermen or governing body of the City of Athens, Alabama, by whatever name known and that he may be discharged at any time by said governing body without cause shown.

Sec. 4. That all laws or parts of laws general, local or special in conflict herewith are hereby expressly repealed.

C. W. Sarver,
Mayor of Athens, Alabama.

The State of Alabama, }
Limestone County. }

Personally appeared before me, Lee Stonestreet, a Notary Public in and for said County and State, R. H. Walker, who, being by me first duly sworn, deposes and says that he is the owner and manager of the Limestone ~~Democrat, a weekly newspaper published in Athens, in said County and State; that notice was given by C. W. Sarver of the intention to apply to the Legislature of Alabama, at regular session 1923, for the passage and enactment of a bill providing for the election of the city marshal of the City of Athens, Alabama, a true and complete copy of which is hereto attached and was published in said paper for four consecutive weeks, commencing on the 25th day of January, 1923; that said publication was without cost to the State.~~

R. H. Walker.

Sworn to and subscribed before me on this the 30th day of August, 1923.

Lee Stonestreet,
Notary Public for Limestone County, Alabama.

Also:

By Mr. Slone:

S. 448. To provide for the election of a county superintendent of education for DeKalb County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for the election of his successor in office.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL LAW.

Notice is hereby given that at the present session of the Legislature of Alabama the following local bill will be introduced for passage:

A bill to be entitled an Act to provide for the election of a County Superintendent of Education for DeKalb County, Alabama, to provide his qualifications, fix the term of office, and to fix his salary and provide for its payment.

Be it enacted by the Legislature of Alabama:

Section 1. That a County Superintendent of Education for DeKalb County, Alabama, shall be elected by the qualified electors thereof on the first Tuesday after the first Monday in November, 1924, and every fourth year thereafter.

Section 2. The term of office of the County Superintendent shall commence on the first day of October next after his election and he shall hold office for four years and until his successor is elected and qualified.

Section 3. No person shall be eligible to hold the office of County Superintendent of Education who has not attained the age of thirty years, who is not a resident citizen of the county when elected, who does not hold a first grade or life certificate, and who has not had at least three years experience as a teacher.

Section 4. The salary of the County Superintendent of Education shall be fixed by the County Board of Education within the following limits: Not less than \$1,200 nor more than \$1,800 a year, which shall be paid as now provided by law.

State of Alabama, }
DeKalb County. }

Before me, Lee S. Baker, Notary Public in and for said State and County, personally appeared T. H. Smith, who being sworn says on oath that he is the editor and publisher of The Fort Payne Journal, a newspaper published in DeKalb County, Alabama, and that the notice hereto attached was published in said newspaper once a week for four consecutive weeks, the first insertion being in issue dated August 1st, 1923, and the last in issue dated August 22nd, 1923.

Thos. H. Smith.
Publisher Journal.

Sworn to and subscribed before me this 27th day of August, 1923.

Lee S. Baker,
Notary Public.

Also:

By Mr. Brower (notice and proof):

S. 358. To provide for the relief of Arthur Greenwood, Spiro Greenwood, and Harry Greenwood, partners doing business under the style and firm name of Greenwood Cafe.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL LEGISLATION.

A bill to be entitled an Act to provide for the relief of Arthur Greenwood, Spiro Greenwood, and Harry Greenwood, partners doing business under the style and firm name of Greenwood Cafe.

Be it enacted by the Legislature of Alabama:

Section 1: That the State Auditor be and he is hereby required to draw his warrant on the State Treasurer for the sum Nine Hundred Eight and 96/100 (\$908.96) Dollars, payable to the said Arthur Greenwood, Spiro Greenwood and Harry Greenwood, partners doing business under the style and firm name of Greenwood Cafe, payable out of any funds in the State Treasury not otherwise appropriated.

Section 2: That it shall be the duty of the State Treasurer to pay said warrants out of any money in the State Treasury not otherwise appropriated.

State of Alabama, }
County of Jefferson. }

Before me, the undersigned authority, in and for the County and State, aforesaid personally appeared George M. Howle, editor of the Weekly Call, a weekly newspaper published in said State and County, who, being by me first duly sworn deposes and says that the notice a true copy of which is hereto attached, was published in The Weekly Call, once a week for four consecutive weeks, commencing on January 27th, 1923.

Geo. M. Howle,
Editor of The Weekly Call.

Sworn to before me, and signed in my presence, this 13th day of August, 1923.

Mrs. Imelda Fearing,
Notary Public.

Also:

By Mr. Ellis:

S. 238. To regulate Primary Elections in the State of Alabama.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Local Legislation, S. 478; S. 479; S. 443; S. 470; S. 471; S. 455; S. 466; S. 486; S. 448; S. 358.

Privileges and Elections, S. 238.

ADJOURNMENT.

On motion of Mr. Tunstall, the House, under a Joint Resolution heretofore adopted, adjourned until 10 o'clock Thursday, September 13th, 1923.

FORTY-FOURTH DAY.

House of Representatives,
Thursday, September 13th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rabbi Schwartz of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Mr. Speaker	Bowen, Lewis	Coleman	Fanning
Adams	Bowen, L. K.	Cook	Ferrell
Adcock	Boykin	Culver	Fite
Allen	Burns	Deloney	Forman
Arrington	Burton	Dickinson	Gaines
Ashcraft (Fayette)	Byars	Dowdle	Glenn
Ashcraft (Lauderdl.)	Calloway	Dunwoody	Glover
Bealle	Cato	Elliott	Goode
Blackwell	Christian	Embry	Goodwyn

Graves	Kilborn	Parker	Snodgrass
Grove	Kilpatrick	Patterson	Sollie
Guy	Lee	Pickens	Stewart (Bibb)
Hall	LeMaistre	Poole	Stewart (Calhoun)
Hampton	Letson	Posey	Thompson
Hatter	Long	Powell	Thompson (Etowah)
Hawkins	Love	Ringer	Thompson (Jackson)
Henley	Luck	Rives	Tiller
Henson	McDaniel	Rountree	Tunstall
Hodgson	McGowen	Rutherford	Tyson
Holcombe	Melton	St. John	Varner
Hornsby	Mooneyham	Sanders (Conecuh)	Verner
Howard	Moorer	Sanders (Pike)	Walker
Howze	Moxley	Sessions	Wall
Hubbard	Nichols	Smith (Clay)	Walton
Jeter	Norman	Smith (Jefferson)	Ware
Jones	Odum	Smith (Lee)	Williams
			Young

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A quorum was present.

REPORT OF COMMITTEE ON REVISION OF JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Forty-Third Legislative Day, and finds same correct.

O. W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Forty-Third Legislative Day was approved.

LEAVE OF ABSENCE.

Was granted to Mrs. Wilkins for today.

REPORT OF RULES COMMITTEE.

Mr. Tunstall, Acting Chairman of the Standing Committee on Rules, returned to the House the following resolutions with a favorable report:

By Mr. Waddell:

S. J. R. 120. Relative to the bridging of navigable streams and requesting Alabama delegation in Congress to have embodied in the next Federal Aid Act for roads, the bridging of navigable streams.

And the resolution was adopted.

By Mr. Goodwyn:

H. J. R. 196. Relative to naming State Highway commencing at Girard, Alabama and running through certain cities the "Jefferson Davis Highway of Alabama."

And the resolution was adopted.

By Rules Committee:

H. R. 211. Relative to making certain bills special, paramount and continuing orders for the 44th Legislative Day and to take precedence over other special orders, as follows: 601, 566, 567, 563, 778, 481, 806, S. 416; 753, 782, 666, 669, 748, 613, 895, 313, 314, S. 231, S. 190, 565, 548, 222, 589, 679, S. 417, S. 442, S. 244; 527, 39, 518, S. 330, 827, 939, 181, S. 375, S. 191, S. 428, S. 186, 741, 734, S. 304, S. 305, S. 306, 789, 683, S. 71, 796, 477, 930, 923, S. 266, 506, 95, 569, 272, 844, 870, 369, 455, 617, S. 187, 641, S. 333, S. 129, 906, 600, 640, 889, 879, 608, 912, 785, 855, 895, 288, S. 134.

And the resolution was adopted.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Gaines:

H. R. 212. Resolved, that H. 845 be recalled from the Senate for further action by the House and the Senate be requested to return same to the House forthwith.

Mr. Gaines moved to suspend the rules and put the resolution upon immediate passage. The motion was lost and the resolution was referred to the Committee on Rules.

By Mr. Goode:

H. R. 213. Resolved that H. 571 be made a special, paramount and continuing order for the 45th Legislative Day.

And the resolution was referred to the Rules Committee.

By Mr. Smith of Clay:

H. R. 214. Resolved that the House hold night session Tuesday night and that each member of the House be permitted to call up one bill, either local or general.

And the resolution was referred to the Rules Committee.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 398. To amend Section 7 of an Act approved March 31st, 1911. To better improve the public roads of Washington County, Alabama, and to make better provision for the working of said public roads, to divide said county into four road districts, and to provide for the election of a member of the court of county commissioners, as road supervisor for each of said districts; to provide the duties of said road supervisors; to require the overseers of public roads in Washington County, Alabama, to work

under and in connection with the said supervisors; to fix the pay of said supervisor to provide for reports of the said supervisors; and to provide a penalty for failure to comply with said law.

S. 399. To provide for the election of a County Superintendent of Education for Washington County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for the election of his successor in office.

S. 365. To amend an Act entitled "An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

S. 352. To vacate, close and annul as public highways, streets or avenues of travel for the public use, that portion of Sixth avenue, north, which lies between and formerly connected Eighty-seventh street and Eighty-eighth street near the eastern city limits of the city of Birmingham, Alabama, and that portion of Eighty-eighth street beginning where said Eighty-eighth street connects with an alley between Fifth avenue road and Arola avenue, and running northward to a point where said Eighty-seventh street now connects with said Eighty-eighth street, near the eastern city limits of the city of Birmingham, Alabama, and, to further provide that the title to land comprising said portions of said streets and avenues shall revert to, and vest in the owners of the abutting property.

S. 439. To alter the boundary line between Etowah county and Calhoun county so as to transfer to Etowah county all that part of sections 34, 35 and 36 of township 12, range 8, which lies north of the Indian boundary line, and is now situated in Calhoun county, Alabama.

S. 438. To alter the boundary line between Calhoun and Etowah counties and to transfer from Etowah county to Calhoun county fractions L, M and N of section 6, township 14 south, range 6 east.

S. 161. To provide for and submit to the qualified electors of the State of Alabama; at an election to be held at the next general election after the final adjournment of the present session of the Legislature at which this amendment is proposed; an

amendment to the Constitution of Alabama; whereby Mobile county may levy and collect for public school purposes, through its duly constituted governing authorities, a rate of taxation, on the property situated therein, not exceeding in the total in any one year, one-fifth ($1/5$) of one (1) per centum of the value of such property, as assessed as provided by the Constitution and statutes now existing or hereafter enacted pursuant to the Constitution, in addition to taxes levied under and pursuant to Section 215 of the Constitution of Alabama, of 1901, and in addition to taxes levied under and pursuant to Article XIX of the said Constitution, which Article XIX was added thereto by amendment; and whereby the existing legislation intended to empower the said county to levy and collect such taxation, is validated and confirmed.

S. 356. To amend the title and the Act entitled "An Act to create and establish a board of county commissioners in and for Madison county, Alabama, in the place and stead of the board of revenue of Madison county now existing in said county and abolishing said board of revenue of Madison county; to divide said county of Madison into five districts, defining the boundaries thereof; defining the jurisdiction of said board of county commissioners, fixing their compensation; conferring upon said board of county commissioners all the jurisdiction, powers and authority granted by law to county commissioners, boards of revenue or other governing bodies of like name or authority in this State; authorizing the appointment of said board of county commissioners of a clerk; and a supervisor of public roads; providing for the holding of monthly meetings of said board of commissioners and providing for the repeal of all laws in conflict with this Act; providing for the appointment, nomination and election of said board of commissioners;" approved February 3rd, 1923.

S. 342. To amend sections 6 and 17 of an Act, "Relating to dependent, neglected or delinquent children in all counties of Alabama, which now have, or which hereafter may have, a population of not less than seventy-five thousand people and not more than ninety-five thousand people according to the last Federal census or any such census that may be taken hereafter; to declare who are dependent, neglected or delinquent children, to declare that such children shall be wards of the State, to provide for their custody, discipline, supervision, care, protection, guardianship, and welfare; to create and establish in such counties juvenile courts and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction under the terms of this Act; to try and determine the question of dependency, neglect or delinquency of children in such counties; and when found to be such to adjudicate and determine all ques-

tions as to their guardianship, custody, supervision, discipline, care, control, protection and training, and generally to confer upon such court jurisdiction and power to try and determine all questions arising under the terms of this Act or which may otherwise be referred to them by law for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction or to carry out the purpose and intent of this Act; to provide for the trial and punishment of those who aid, abet, cause or connive at or contribute to the delinquency, neglect or dependency of such children; to provide and regulate the procedure in such cases; to confer power upon such courts to make rules and regulations, and to provide such forms when not otherwise provided for, under the terms of this Act as shall be found necessary or convenient to the exercise of its jurisdiction or for the conduct of probation or their work, as provided for in this Act; to provide for the taking and enforcing of recognizances and bonds; and for the taking of appeals from the decisions of such courts; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent as provided under the terms of this Act; and for the appointment of an advisory board to such court and to define the duties and powers of such court; to provide for the appointment of the judge and other officers of such court and to define their powers and duties; and to provide for their compensation; to declare that should any part of this Act be found unconstitutional that it shall not affect the remainder thereof and to provide for the repeal of all laws in conflict with this Act." Approved October 2nd, 1920.

S. 347. To create and establish a board of revenue in and for Calhoun county, Alabama, in the place and stead of the court of county commissioners of Calhoun county now existing in said county, and abolishing said court of county commissioners of said county; to divide the said county of Calhoun into five districts for the election of members of the said board of revenue, and fixing the boundaries of said districts; defining the jurisdiction of said board of revenue and fixing their compensation, and conferring upon said board of revenue all the jurisdictions, powers and authority granted by law to courts of county commissioners, boards of revenue, or other governing bodies of like kind and authority in the State of Alabama; constituting the first members of said board of revenue, and providing for the election of their successors.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

~~Your Standing Committee on Engrossed Bills~~ begs leave to report that said Committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

H. 480. To enlarge and extend the jurisdiction of the Circuit Court of Tallapoosa County, Alabama, at Alexander City, in said County, and to provide for the holding of regular terms of said court.

Also:

H. 823. To provide for the election of a county superintendent of education for Clay County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment; to define his qualifications, powers and duties, and to provide for the election of his successor in office.

Also:

H. 907. To abolish the office of the Board of Education of St. Clair County, Alabama.

Also:

H. 908. To provide for the election of a county superintendent of education for St. Clair County, Alabama; to fix his term of office; to prescribe his salary and the manner of payment; to define his qualifications, powers and duties; to provide for a special election to be held to elect such county superintendent under this Act, and to provide for the election of his successor in office.

Also:

H. 909. To provide for the election of three school trustees for each school district in St. Clair County, Alabama, and to prescribe their duties.

Also:

H. 869. To provide for the election of a county superintendent of education for Fayette County, Alabama, fix his or her term of office, fix the qualifications, compensation and successor in office and prescribe his or her duties.

Also:

H. 898. To authorize and empower the directors of the Alabama Boys' Industrial School to sell and convey land belonging to said school.

Also:

H. 379. To designate a certain public road of Alabama as a State trunk road and to provide the manner in which said road shall be located, improved and maintained.

Also:

H. 902. To amend Section 1, of An Act entitled "An Act to amend an Act entitled 'An Act to incorporate the town of Sulligent in the County of Lamar, State of Alabama, approved Feb. 12th, 1897,' approved March 4th, 1907" so as to fix, define and enlarge the boundaries of the said town of Sulligent.

Also:

H. 963. To provide for the election of a county treasurer of Walker county, Alabama, by the qualified electors of said county and to prescribe his duties and compensation.

Also:

H. 800. To amend an Act, approved October 1st, 1920, entitled 'An Act to amend Section 9 of an Act entitled an Act' to provide for the appointment of an official court report by each circuit Judge in Alabama; to fix their compensation, define their duties, and provide for special reporters in certain cases,' approved September 25, 1915.' "

Also:

H. 957. For the relief of Carl M. Glass, tax collector of Pickens county, Alabama.

Also:

H. 883. To provide for the payment and to make legal all claims, script and certificates issued to witnesses and officers heretofore registered with the treasurer of Tallapoosa county, and to authorize, empower and direct the treasurer of said county to pay the same out of the fine and forfeiture fund of said county in the order of registration.

Also:

H. 840. To authorize and direct the court of county commissioners, or board of revenue, or governing board or court of like jurisdiction in Walker county to pay for advertising the notice and substance of local bills to be introduced in the Legislature for said county, at the lawful rate of advertising in said county, out of any money in the county treasury not otherwise appropriated, when the bills apply to the entire county, and this Act shall apply to and include the notice and substance of bills advertised to be introduced at and during the present, 1923, session of the Legislature.

Also:

H. 878. To fix the time for holding the jury terms of the County Court of Lawrence County, Alabama.

Also:

H. 934. To provide for the manner of taxing, collecting, and disbursing Solicitors fees in all judicial circuits in this State which are now or hereafter may be composed of only one county and which now have or may hereafter have more than two and less than five Circuit Judges, and to provide that a portion of such fees may be expended by the Solicitor of such Circuit in the operation of his office and the detection and prosecution of crime.

Also:

H. 903. To provide for the better construction, repairing, working and maintaining of the public roads and bridges in Lawrence County, Alabama, so as to regulate and control the expenditures of the revenue obtained under the operations of an Act approved February 10, 1923, "imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels in this State; providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act," or any additional revenue from changes of or amendments to said Act during the session or sessions of the present Legislature; to provide that no part of said revenue shall be used for the payment of any debt or debts contracted or made prior to the passage of this Act; to provide for the crushing of stone and the expense thereof and the hire of a Road Foreman; to provide that beginning with January 1, 1924, not less than one-eighth of all monies obtained under this Act, changes of or amendments thereto, during any four year period, shall be used in each Commissioners District; that five per cent of the revenue so obtained for the four year period beginning January 1, 1924, shall be used in the purchase of ordinary road tools which tools shall be under the control of a bonded officer; to provide for the working of all persons subject to road duty in said county and the collection and disbursement of any moneys in lieu thereof; to provide that overseers keep a record and make reports to the Probate Judge, that overseers may be fined for mis-use of tools or embezzlement of money; that owners of large trucks or other vehicles shall be liable if responsible for damage to bridges; that the Board of Revenue shall be prohibited from classifying and taxing wagons or other vehicles owned by the producer and used exclusively or partly in the production or handling of farm products; that all

funds of the county accruing from the automobile license tax shall be used on the public roads and bridges; to provide for working convicts on roads of said county, to provide punishment for persons refusing or failing to work roads after legal warning, to provide that the Board of Revenue may impose a tax for road purposes on trucks, telegraph, telephone and express companies, sewing machine agents, lightning rod agents and circuses or traveling shows and to provide for the necessary blanks, books and stationery for the purposes of this Act.

Also:

H. 937. To require the city council of the city of Gadsden to divide the city into five wards and to provide for the election of one Alderman from each ward and a Mayor at the next general municipal election of the city of Gadsden to be held as now provided by law and to provide that said Mayor and five Aldermen shall constitute the governing board of the city of Gadsden on and after the first day of October, 1924, and to fix their term of office, their compensation and their duties and provide for the selection by the city council of a City Attorney and fix his compensation.

Lee Glenn,
Chairman.

The report of the Committee was concurred in and adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 646. To provide further for the construction, repair and maintenance of the public roads and highways of Morgan county, Alabama, so as to create a superintendent of roads for Morgan county, Alabama, to be known as the road superintendent; to provide for the appointment thereof by the Governor; to vest him with full, complete, and unlimited jurisdiction over the public roads, bridges and ferries in Morgan county; to prescribe and define his powers and duties as such road superintendent, and to repeal all laws and parts of laws in conflict therewith; to provide for the establishment of a public road fund and for the levying of certain taxes for the benefit of the public roads; to authorize the superintendent to take charge of all public road tools and machinery belonging to the county; and to levy and collect special privilege license tax for the construction and maintenance of

public roads, bridges and ferries in the county; to authorize the superintendent of roads to exercise all the legislative, judicial and executive authority over the public roads, bridges, and ferries, to fix penalties for the violation of this Act; to provide for the election and the term of office of the road superintendent; to provide for the appointment of beat supervisors, and the registering of all males subject to public road duties; to provide for the exemption of those subject to road duty by the payment of a prescribed sum; to provide for the working of the public roads, and the investigation of all the acts of the road superintendent by the grand jury of Morgan county; to provide for the keeping of the road superintendent's account; to provide for the exercise of the right of eminent domain, and for the employment of road overseers; to fix the salary of the road superintendent, and the beat supervisors; to provide penalties for the failure to work upon the public roads, and for the prosecution of road defaulters; to provide for the giving of notice to those liable for road duty; to provide for the buying of tools and machinery, and the location and operation of the same.

Also:

H. 107. To repeal an Act entitled: "To provide for the construction, care, maintenance, and improvement of the public roads of Franklin county; to provide funds, regulations, penalties and officers to insure such constructions, care, maintenance, and improvement, to provide a county superintendent of roads, prescribe his qualifications, method of selection, term of office, salary, duties, powers; to prescribe in general the records to be kept by said superintendent; to provide that the court of county revenue shall have full powers over the road system; to provide beat supervisors, sections overseers, and other persons to carry out said work on the road system of the county; to prescribe the duties of individuals and corporations in regard to the enforcement of said road law." Approved September 30, 1919.

Also:

H. 312. To amend the caption, and sections one, two, three, four, five, six, seven and eight of "An Act to establish a child welfare department for the State of Alabama, to prescribe its duties, functions, and powers, and to provide for the appointment of an executive and other officers of such department, to define their duties, to provide for their compensation, and to provide for the maintenance and other expenses of such department, and to confer on said department all the duties, powers, and authority heretofore conferred on the State Prison Inspector in so far as his duties, powers and authority relate to children under sixteen years of age;" approved September 25, 1919; and section nine (9) of said act as amended by an act approved September 27, 1920.

H. 761. To provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and recall from office, to fix their powers, duties and compensation, to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said commission form of Government.

Also:

H. 838. To provide for the selection of delegates to any National Party Convention whenever a citizen of the State of Alabama is a candidate for the nomination by any political party as its candidate for election as President of the United States.

Also:

H. 716. To provide a system for the construction and maintenance of public roads and bridges for the county of Fayette, Alabama. By creating a road commission in the several precincts of said county; by appointing overseers in the several precincts by said road commission; by requiring the members of said road commission to take the oath of office; by requiring the treasurer of said road commission to give bond; by requiring all male citizens between the age of eighteen and forty-five years to work on the public roads and bridges eight days each year or pay a commutation fee in lieu of work of \$8.00 per annum; by requiring the road commissioners and overseers to serve as such road commissioners and overseers when within road age; by prescribing the method of securing exemption from road duty; by providing for the collection of said commutation fees by the treasurer of the several road commissions; by directing how said commutation fee shall be expended by said road commission; by requiring the road commission in the several precincts to make reports to the county commissioners as to how said commutation fees have been expended; by providing a method for warning hands to work on said roads and bridges; by providing a method for excusing defaulters from working said roads and bridges; by providing for the making and painting of mile posts and direction signs to be paid for by the county commissioners out of any special road funds; by providing the duties of county commissioners, road commissioners, and overseers with reference to said roads and bridges; by providing for the keeping and repairing of road tools, machinery and implements belonging to said county to be used for working and maintaining said roads and bridges; by providing for the removal of road commissioners and overseers for neg-

lect of duty, drunkenness or incompetency; by providing for the paying of a license tax on wagons and motor trucks used on said roads and bridges for commercial purposes and said license tax to be used in repairing the roads and bridges of said county used or contemplated being used by the party paying said license tax; by requiring automobiles, taxicabs or other motor vehicles transporting passengers for hire on said public roads and bridges to pay a license tax to be used in repairing the roads and bridges of said county used or contemplated being used by the party paying said license tax; by prohibiting wagons and trucks on which a license tax is required to be paid from using said roads and bridges for a period of twelve and fifteen hours after each rain of sufficient quantity to stand in puddles in said roads for a period of thirty minutes after each rain; by requiring the owners of said wagons and trucks to immediately repair damages to said roads when used in a soggy or boggy condition; by requiring the owners of said wagons and trucks to immediately repair all damage done to the bridges on said roads; by making the owners of said wagons and trucks liable for damage done to said bridges; by giving the county or any citizen thereof the right to enjoin said owners of said wagons and trucks from damaging or injuring said roads and bridges; by giving the county court and circuit court jurisdiction of all criminal violations of said Act; by giving the circuit court jurisdiction of civil suits for damages to said roads and bridges; by requiring the circuit judge to give this Act in charge to the grand jury; by providing that violations of this Act shall be commenced in the county or circuit court; by making the sheriff, constables, State law enforcement officers and all road officials of said county to begin prosecution for violations of this Act; by authorizing the county commissioners to supplement the commutation fees in the several precincts of said county from any special road or bridge funds or the gasoline tax fund by paying said supplement to the road commissions in the several precincts to be used by them in repairing and maintaining the roads in their respective precincts; by requiring the road commission through one of its members of the several precincts to report all violations of this Act to the grand jury and to report the condition of said roads of their respective precincts to said grand jury and providing penalties for the violations of this Act.

Also:

H. 511. For the relief of Mrs. Carrie Robbins Norrell and have her name placed on the Confederate pension roll.

Also:

H. 255. To declare a certain portion of Eighth (8th) street in the city of Florala, Alabama, according to Garrett's map of Florala shall, upon the passage and approval of this Act, cease to be a public street, and authorize B. H. Meadows, his heirs

and assigns, to perpetually use and occupy said portion of said street and vesting the title to same in the said B. H. Meadows.

Also:

H. 615. To provide for the appointment of a Deputy Register of the Chancery Division of the Circuit Court in all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census and to fix the compensation of said Deputy Register.

Also:

H. 356. To provide for the appointment of bailiffs in all courts of record in all counties of the State of Alabama having a population of 200,000 or more, according to the last or any subsequent Federal census, and to fix the compensation of such bailiffs and to provide for the payment of such compensation.

Also:

H. 616. To fix the compensation of the Clerk of the Probate Court in all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census.

Also:

H. 190. To amend Section 7245 of the Code of Alabama, 1907.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

RECONSIDERATION.

Mr. Fite moved to reconsider the vote by which the bill, H. 828, was lost on yesterday.

The motion prevailed.

Mr. Fite moved to reconsider the vote by which the bill was ordered to a third reading and passage.

And the motion prevailed.

And the bill,

H. 828. To provide for the compensation of members of the County Boards of Education in all counties of this State having a population of Two Hundred Thousand (200,000) or more according to the last Federal census or any subsequent Federal census.

Was read a third time at length and passed.
Yeas, 60; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Culver	Holcombe	Odom
Adams	Deloney	Hornsby	Parker
Adcock	Dowdle	Howard	Pickens
Allen	Ferrell	Hubbard	Poole
Arrington	Fite	Jeter	Ringer
Bealle	Gaines	Jones	Rives
Bowen, Lewis	Glenn	Kilborn	St. John
Bowen, L. K.	Glover	Kilpatrick	Smith (Jefferson)
Boykin	Goode	Lee	Tyson
Burns	Graves	LeMaistre	Varner
Byars	Grove	Love	Wall
Calloway	Guy	Luck	Walton
Cato	Hall	Melton	Ware
Christian	Hatter	Moorer	Williams
Cook	Henley	Moxley	Young

—50

Nays: Mr. Howze—1.

And the bill was ordered sent to the Senate without engrossment.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Fite:

H. 1027. To provide for and establish in each and all counties of this State which now have a population of 200,000 people or more, according to the last Federal census, or which shall hereafter have such population or more, according to any such census hereafter taken, a court to be designated the Court of Domestic Relations; to provide that such courts shall be courts of record, to define the jurisdiction, power and authority of such courts; to provide the means necessary, proper or convenient for the exercise thereof, and to regulate same; to provide for a senior judge and an associate judge of such courts and for such other officers and employees, as are necessary or convenient for the exercise of its jurisdiction and for their compensation; to provide for and regulate the procedure in such courts; to authorize the senior judge of said courts to determine the form of records; to provide for appeals from said courts and to regulate same; to fix and regulate the taxing of costs in such courts; to provide for the transfer to the jurisdiction of such courts certain causes pending in the circuit court and other courts in

such counties and all causes pending in juvenile courts in such counties, and all wards and probationers of such juvenile courts in such counties; to provide that if any section, paragraph or other part of this act shall be declared unconstitutional that such decision shall not affect the remainder thereof; to repeal all laws and parts of laws inconsistent or in conflict with this act, and to designate when this act shall take effect.

Judiciary.

By Mr. Walton:

H. 1028. To require the publication of receipts and disbursements of cities and towns and to require the publication of portions of the proceedings of the council, City Commissioners or other governing bodies of cities and towns; to provide for the method of publication, the maximum amounts to be expended for such publication and to prescribe penalty for violation of the provisions of this Act and to provide for repeal of all laws in conflict with the provisions of this Act.

Municipal Organization.

By Mr. Walton:

H. 1029. To require the publication of receipts and disbursements of counties and to require the publication of portions of the proceedings of Commissioners Courts and Boards of Revenue; to provide for the method of publication, the maximum amounts to be expended for such publication and to prescribe penalty for violation of the provisions of this Act and to provide for repeal of all laws in conflict with the provisions of this Act.

Judiciary.

By Mr. Walton:

H. 1030. To require the posting at public places of statements of assessments of each tax payer in the State; to provide for the making of such statements and their posting; and to provide payment for the tax collector for performance of his duties under this Act.

Judiciary.

By Mr. Melton (By request):

H. 1031. To fix the compensation of the county solicitors in all counties in the State having a population of not less than 28,000 and not more than 28,800 population, according to the last or any subsequent Federal census.

Revision of Laws.

By Mr. Glover:

H. 1032. Requiring general direct and reverse indexes to all instruments recorded and to be recorded in the several Probate offices of Alabama, and general index to all civil proceedings recorded and to be recorded in the several Probate Courts of Alabama, providing for compensation for preparing such in-

dexes for such recorded instruments and proceedings, and requiring such indexes kept hereafter without compensation.

Judiciary.

By Mr. Snodgrass:

H. 1033. To amend an Act entitled an Act to amend Section 5885 of the Code of Alabama approved August 25, 1909.

Revision of Laws.

By Mr. Smith of Jefferson (By request):

H. 1034. To provide for the payment of fees earned by the Sheriff of all counties having a population of 200,000 or more in all courts other than the Circuit Courts.

Revision of Laws.

By Mr. Jeter:

H. 1035. To further regulate jury trials and to provide cost of jury and defendant's cost; and to provide for security to be given by party demanding jury trial.

Judiciary.

By Mr. Howze (notice and proof):

H. 1036. To authorize and provide for the payment of the sum of two thousand five hundred (\$2,500.00) dollars for the relief of Odell Garrison, of Jefferson County, who was injured on the 31st day of December, 1920, while in line of duty with the National Guard of Alabama.

Ways, Means and Appropriations.

Notice and proof H. 1036:

NOTICE OF INTENTION TO APPLY FOR PASSAGE OF PROPOSED LAW.

Notice is hereby given of the intention to apply to the Legislature of Alabama for the passage of a proposed law, the substance of which is to authorize and provide for the payment of the sum of two thousand five hundred (\$2,500.00) dollars for the relief of Odell Garrison, of Jefferson County, who was injured on the 31st day of December, 1920, while in line of duty with the Alabama National Guard.

State of Alabama, }
Jefferson County. }

Before me, the undersigned authority, in and for said County, in said State, personally appeared George D. Finley, who, being by me first duly sworn, deposes and says that the above and foregoing notice has been published, without cost to the State, once a week for four consecutive weeks, in "The American Sentinel," a newspaper published in said county, of which said newspaper affiant is editor and publisher, said notice appearing in the issues of said newspaper published on August 16, 1923; August 23, 1923; August 30, 1923, and September 6, 1923.

George D. Finley.

Sworn to and subscribed before me, this 11th day of September, 1923.

Esther Light,
Notary Public.

By Mr. Fite:

H. 1037. To provide for the salary or compensation of the person or officer holding the position or office of Clerk of the Probate Court, Clerk of the Probate Judge, Deputy Probate Judge, Deputy of the Probate Judge, or Chief Clerk of the Probate Judge, by whichever name or term the officer, position or office next in rank to the Probate Judge himself is called or designated, in each Probate office, in each county in the State of Alabama, now having or which may hereafter have a population of as much as 200,000, according to the last Federal census, or any such census which may hereafter be taken, by fixing the amount thereof and prescribing the source, manner and time of payment thereof.

Judiciary.

By Mr. Odom (By request):

H. 1038. To regulate hotels, inns, lodging houses and boarding houses, and the keepers thereof; to confer jurisdiction, power and authority upon governing authorities of incorporated villages, towns and cities to perform the duties imposed on them hereunder; and to provide penalties for the violation of the provisions of this act.

Revision of Laws.

By Mr. Kilborn:

H. 1039. To amend Section 2606 of the Code of Alabama of 1907.

Judiciary.

By Mr. Forman (By request):

H. 1040. To further regulate the procedure of, and the exercise of jurisdiction by, the Morgan County Court of Morgan County, Alabama.

Local Legislation.

By Mr. Odom (By request):

H. 1041. To provide for the guarantee of deposits in State banks of Alabama.

Banking and Insurance.

By Mr. Embry:

H. 1042. To provide jointly for the maintenance of schools in or near the dividing line of two or more counties.

Revision of Laws.

By Mr. Jeter:

H. 1043. To fix the fees and costs in courts having jurisdiction not in excess of five hundred dollars in counties having a population of two hundred thousand or more, according to the last Federal census, or which may hereafter have such population according to any Federal census hereafter taken.

Judiciary.

By Mr. Fanning:

H. 1044. To make it unlawful to use a motor vehicle on the public highways of the State not using a throttle or silencer of engine noise; to provide for conviction and punishment for a violation of this Act.

Revision of Laws.

By Mr. Letson (By request):

H. 1045. To extend the terms of office of members of Court of County Commissioners, Board of Revenue, or other governing bodies, of counties in this State, and to provide for the time of election and terms of office of members of court of county commissioners, boards of revenue, or other governing bodies, of such counties.

Judiciary.

By Mr. Elliott (with notice and proof):

H. 1046. To abolish the Court of County Commissioners of Choctaw County, Alabama; to establish a Board of Revenue for said county; to provide for the appointment and election of the chairman and members thereof and to prescribe and limit their duties, powers and responsibilities and fix their compensation; to divide the County of Choctaw into four Board of Revenue districts; to provide a clerk for said Board of Revenue and to fix his duties and compensation, and to prescribe penalties for the violation of the provisions of this act, and repeal all laws in conflict with the provisions of this act.

Local Legislation.

Notice and proof H. 1046:

NOTICE OF PROPOSED LOCAL LAW FOR CHOCTAW COUNTY.

Notice is hereby given that there will be introduced at the present session of the Legislature of Alabama, a bill to abolish the Court of County Commissioners of Choctaw County and establish in lieu thereof a Board of Revenue; to fix the membership thereof and the number constituting said Board; to fix the terms of members thereof and their compensation, upon which board will be conferred all the powers, authority and duties of the Courts of County Commissioners or Boards of Revenue or other like governing bodies for counties in this State. To provide the powers and duties of said Board in addition to those now conferred on Courts of County Commissioners and Boards of Revenue and like governing bodies in this State by general laws and to provide for the appointment and election of the members thereof.

The State of Alabama, }
Choctaw County. }

Before me, W. H. Lindsey, Judge of the Probate Court in and for said State and County, personally appeared R. N. Moody, who being by me duly sworn deposes as follows:

I am editor and publisher of the Choctaw Advocate, a weekly newspaper published at Butler, in Choctaw County, Alabama. That the notice of the bill proposed to be introduced in the Legislature of Alabama, a copy

of which notice is hereto attached, was published in the Choctaw Advocate for four consecutive weeks beginning with the issue of August 22, 1923, and also in issues of August 29, September 5, and September 12, 1923.

R. N. Moody,
Editor and Publisher.

Subscribed and sworn to before me on this September 12, 1923.

W. H. Lindsey,
Probate Judge.

By Mr. Elliott (with notice and proof) :

H. 1047. To impose a per capita road tax in lieu of personal service on the public roads of Choctaw County, Alabama, to provide for the collection of such tax and disposition of the proceeds thereof; to provide for the appointment of a Road Supervisor for said county; to provide for the appointment of Road Overseers; to authorize the appointment of a Road Engineer, and to otherwise provide for the more efficient construction, maintenance and improvement of the public roads and bridges in said Choctaw County, Alabama.

Local Legislation.

Notice and proof H. 1047:

NOTICE OF PROPOSED LOCAL ROAD LAW FOR CHOCTAW COUNTY.

Notice is hereby given that there will be introduced at the present session of the Legislature, a bill to provide for the better working of, construction and maintenance and improvements of public roads and bridges of Choctaw County by conferring powers and authority upon the Board of Revenue, to be created, to construct and maintain such roads and bridges and provide a commutation road tax in lieu of personal service of those subject to road duty and to provide overseers, supervisors or superintendents and to employ an engineer for the construction and maintenance of such roads and bridges or for locating, surveying and making estimates of the construction, maintenance and improvements of county roads and bridges.

The State of Alabama, }
Choctaw County. }

Before me, W. H. Lindsey, Judge of Probate Court in and for said State and County, personally appeared R. N. Moody, who being by me duly sworn deposes as follows:

I am editor and publisher of the Choctaw Advocate, a weekly newspaper published at Butler, in Choctaw County, Alabama. That the notice of the bill proposed to be introduced in the Legislature of Alabama, a copy of which notice is hereto attached, was published in the Choctaw Advocate for four consecutive weeks beginning with the issue of August 22, 1923, and also in issues of August 29, September 5, and September 12, 1923.

R. N. Moody,
Editor and Publisher.

Subscribed and sworn to before me on this September 12, 1923.

W. H. Lindsey,
Probate Judge.

By Mr. Moxley (notice and proof) :

H. 1048. To provide for the manner in which the fund derived from Crenshaw County's quota of the excise tax on gasoline shall be used in the construction, improvement and maintenance of the public roads and bridges of the county and of the several precincts therein and to provide a penalty for the violation of this act.

Local Legislation.

Notice and proof H. 1048:

TO THOSE IT MAY CONCERN

Notice is hereby given that a bill will be introduced during the session of the Legislature of Alabama which convened in July 1923, the purpose of which bill is to provide for the manner in which the fund derived from Crenshaw County's quota of the excise tax on gasoline shall be used in the improvement, maintenance and upkeep of the public roads and bridges of the County and of the several precincts therein and to provide penalty for violation of this act.

Sincerely,
J. B. Moxley.

State of Alabama, }
Crenshaw County. }

Before me, a Notary Public in and for the State and County aforesaid, personally appeared J. C. McLendon, editor of the Luverne Journal, who being duly sworn said that the attached notice of bill was published in the Luverne Journal for four consecutive weeks, as follows: August 9, 16, 23 and 30th.

J. C. McLendon.

Witness my hand this 12th day of September, 1923.

W. Bayzor Martin,
Notary Public.

By Mr. Dowdle (notice and proof) :

H. 1049. To repeal an Act entitled "An Act to incorporate the town of Pickens in Pickens County," and approved January 7, 1826.

Local Legislation.

Notice and proof H. 1049:

NOTICE.

To whom it may concern: This is to certify that application will be made to the next Legislature to have the act incorporating the town of Pickensville repealed.

J. H. Coleman,
W. R. Rodgers,
W. C. Chapman,
J. W. Coleman,
T. E. Stewart,
Harry Clark,
E. P. Ezell,
W. B. Burgin.

PROOF OF PUBLICATION.

The State of Alabama, }
Pickens County. }

Before me, B. G. Robison, Judge of the Court of Probate for said County, personally appeared Daniel E. Draper, Publisher of The West Alabamian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for four consecutive weeks in said paper in issues dated as follows: December 28th, 1922, January 4th, 1923, January 11th, 1923, August 30th, 1923.

Daniel E. Draper.

Subscribed and sworn to before me, this the 12th day of Sept., 1923.

B. G. Robison,
Judge of Probate.

BILLS ON SECOND READING.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 115. Relating to desertion or non-support of wives by husbands and of a child, or children, by parents in all counties of this State which now have a population of two hundred thousand, or more, according to the last Federal census, or which shall have such population, or more, according to any such census taken hereafter; to make it a misdemeanor for a husband to desert or neglect or fail to provide for the support of his wife, or for a parent to desert or neglect or fail to provide for the support of his or her child, or children, under eighteen years of age in such counties; to prescribe the penalty therefor; to define who are meant by parent or parents; to designate the courts which shall have original and exclusive jurisdiction to try such misdemeanors in such counties; to prescribe the procedure and authority of such courts and judges in such cases; to define the obligation of such counties in such cases; to provide for the apprehension and punishment of such persons charged with or convicted of such offense; to provide for the taking of probation bonds, and directing to whom fines and proceeds of such probation bonds, when forfeited and collected, shall be paid in such cases; to provide for recording probation bonds, and the effect thereof; to provide for the appointment of probation officers and prescribing their duties and authority in such cases; to provide that the sheriffs and other peace officers of such counties shall act as probation officers in certain contingencies; to determine the venue in such cases; and to prescribe the rules of evidence therein; to fix the time when this act shall go into effect.

H. 874. To legally confirm the local designation of Lake Bankhead, a part of the Warrior River.

H. 875. To fix the salaries of executive officers, known and designated as marshals, in Inferior Courts in counties having a population of 200,000 or more according to the last or any subsequent Federal census.

H. 921. To provide for the prosecution of all cases appealed from the police or recorder's court of cities to the Circuit Court in counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

H. 942. To provide for clerical assistance in the office of the State Auditor and to provide an appropriation therefor.

H. 943. To regulate the office of the clerks of the Circuit Court and Registers of the Circuit Court in all counties of the State having a population of two hundred thousand or more according to the last or any subsequent Federal census, and to provide for the method of paying the compensation of such Clerks, Registers and their employees, assistants, or other help.

H. 944. To further regulate the issuance of executions in the Circuit Courts of counties of more than two hundred thousand population according to the last or any subsequent Federal census.

H. 947. To amend an act entitled "An Act to provide a fund for support of a Law Library for the Circuit Court in counties of two hundred thousand or more inhabitants, without appropriations from the State or County Treasury." Approved September 29th, 1919.

H. 948. To amend Section 4½ of an act entitled "An Act to provide for the general revenue of the State of Alabama." Approved September 15, 1919.

H. 977. To regulate the disposition and distribution of witness fees collected by the clerk of Courts of Record and which fees have not been paid out to the parties thereto within eight years after collection by the clerk.

H. 991. To authorize the Board of Managers of the State Training Schools for Girls, with approval of the Governor, to borrow money for purposes of buying lands adjoining the site of said school near Birmingham, and erecting buildings thereon and to execute a mortgage or deed of trust upon the property of said school known as the "Montsayuma Place," to secure the payment of the same.

H. 1000. To provide for the more efficient handling of juries in Circuit Courts of all counties of the State of Alabama having a population of two hundred thousand or more according to the last or any subsequent Federal census, and to provide for the appointment of a jury bailiff and clerk of the Circuit Court of every such county, to designate his duties and fix his compensation, and to provide for the payment of such compensation.

S. 156. To regulate charges, fees or costs in criminal cases of the Circuit Courts in all counties in this State having a population of 200,000 according to the last or any subsequent Federal census.

H. 159. To amend Sections 4754, 4758, 4761, 4762, 4770, 4774, 4777 and 4782 of the Code of Alabama, 1907.

S. 254. To prohibit any person from fraudulently obtaining possession of an automobile by hiring or renting same with intent to convert it to his own use—and converting same; providing punishment therefor; and providing that evidence of such conversion be prima facie evidence of fraudulent intent to convert at time possession obtained.

S. 345. To fix the compensation of members of the Courts of County Commissioners, Boards of Revenue, or other courts of like jurisdiction in this State, in counties which now have, or which may hereafter have, a population of ninety-six thousand and not exceeding one hundred fifty thousand people, according to the last Federal census or any such census which may hereafter be taken, for services actually performed by said officers as members of the Boards of Review of said counties, and to provide for the payment of such compensation.

S. 407. To provide for the establishment of county boards of child welfare; to define the duties, powers and functions of such boards; to provide for the employment of county superintendents of child welfare and assistants, to prescribe their duties, powers and functions, and to provide for their compensation and expenses; to provide for an office for the county board and superintendent of child welfare; to provide for the co-operation of county boards of child welfare with city boards or departments of public or child welfare; to authorize the governing body of any city, town or municipality in the county to make appropriation to aid in the payment of the salary and expenses of the county superintendent of child welfare and his assistants.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report with amendment:

H. 722 (with amendment). To provide for the election by the qualified voters in all counties of this State, having a population of over Two Hundred Thousand, according to the last Federal census, or any subsequent Federal census, of each and every county official, whose salary, fee or compensation is fixed by legislative enactment at Three Thousand Dollars or more per annum and paid in whole or in part out of the county funds of such counties, and to define the term "county official."

S. 425 (with amendment). To provide for the appointment of official court reporters by the judges of the Criminal Divisions of the Circuit Court in Judicial Circuits which now have or may hereafter have more than five judges; to fix their compensation and define duties.

S. 427 (with amendment). To prohibit members of the Court of County Commissioners or Boards of Revenue in the State of Alabama from awarding contracts in which the County of which such County Commissioner or member of a Board of Revenue resides to any person related to them, by blood or marriage, within the fourth degree or to employ any such relative to do any work for said County.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report with substitute:

H. 832 (with substitute): Creating and establishing the Juvenile Court of Mobile County, defining its powers and jurisdiction and providing for the process and procedure of said court; for the equipment of said court, for the judge and officers of said court, their terms of office and their salaries, and defining their duties, and the payment of the Board of Revenue and Road Commissioners of Mobile County of all premiums that may accrue on account of the bond of the clerk thereof; for the transportation of the probation officers; for the service of process, including warrants, and the fees thereof and the payment of said fees; for the detention of juvenile delinquents; providing for a commission to aid in carrying out the work of the court and prescribing its duties; and providing for appeals from any final order or judgment of said court; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause or connive at a state of delinquency of any child sixteen years of age, or under, or produce, promote, or contribute to the conditions which render any child delinquent, and providing the punishment therefor; providing for the transfer of certain cases to said Juvenile Court, providing for the support and maintenance in certain cases of delinquent children by the Board of Revenue and Road Commissioners of Mobile County, or by the parents or out of the estates of such children; providing for the apprehension of such children and the commitment of them to any family, association, or institution; for the transportation of such children and the payment of the costs by Mobile County; providing for the commitment of juvenile delinquents to any family, association or institution within or without the State to which they may be, respectively

committed, and providing for the payment of the costs thereof by the Board of Revenue and Road Commissioners of Mobile County; providing for payment by the city of Mobile, of one-half of the expenses arising out of the operation of said court; and for the protection of said children against any disqualification or prejudice in any other court, or in the civil service of the state or municipality on account of any judgment or order of said court, or any confession, statement, declaration or admission or silence or demeanor of said juvenile delinquents, or any statement made to any person or officer of the court, and providing for the repeals of certain laws.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 676. To regulate assignments of wages.

H. 1008. To provide that in all cities in Alabama having a population of not less than 60,000 and not more than 150,000 according to the last Federal census of 1920, or any subsequent Federal census, which have adopted or may hereafter adopt the general commission form of government, the Board of Road and Revenue Commissioners, or other governing body of the respective counties may pay to the Recorder for ex-officio services rendered by him in the trial of cases in the Recorder's Court where-in there is charged a violation of the laws of the State of Alabama, a sum not exceeding \$900.00 per annum, payable in twelve equal monthly installments out of the County Treasury.

H. 1009. To fix the compensation of assistant solicitors in circuits which are composed of only county and having more than two and less than nine Circuit Judges or in circuits which may hereafter be composed of only one county having more than two and less than nine circuit judges, and to provide for such compensation to be paid out of the county treasuries of the counties constituting the respective circuits.

H. 1019. To authorize courts to prohibit, for definite periods or perpetually, the operation of motor vehicles by persons convicted of operating a motor vehicle in violation of a criminal statute or ordinance, and to fix the punishment for the violation of such order, and to provide for appeals from such orders.

S. 437. To require the clerk of the Supreme Court, and the clerk of the Court of Appeals to furnish the circuit judges in all cases and the circuit solicitors in criminal cases of the various circuits of this State, copies of opinions in all cases appealed from their circuits.

S. 457. To provide for and regulate further the care, support and maintenance of the poor and paupers of the several counties of the State of Alabama.

S. 468. To authorize, empower, and require the Commissioners Court, or other Court of like jurisdiction of Chilton County, Alabama, to pay to the Sheriff of Chilton County the sum of ten (\$10.00) dollars for each still, apparatus, appliance, parts thereof, or any device or substitute therefor, made, used, or designed for the manufacture of spirituous, vinous, or alcoholic liquor, captured, destroyed, or confiscated in said county by the sheriff or any of his deputies; to provide for the payment of said sum by proper warrant on the county treasurer of Chilton County on the presentation of claim by the sheriff stating when and where, as nearly as possible, said bill, device, apparatus, or part thereof was captured or destroyed, the kind and capacity of same; said payment to be made by warrant drawn against the county treasury by the Commissioners Court, or other court of like jurisdiction; said warrant to be a preferred claim against the treasury of said county.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 868 (with substitute). To amend Section 4339 of the Code of 1907 relative to the guardianship and custody of minor children.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

S. 251 (with amendment). To regulate the assignment of unearned salaries and wages of persons in the State, and to prescribe conditions under which such assignments may be made.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 43. To regulate in part the giving in of property for the assessment of taxes, and the assessment thereof.

S. 313. To amend Section 1952 of the Code of Alabama of 1907 as amended by an Act of the Legislature of Alabama, approved September 30th, 1919.

S. 315. To amend Section 1941 of the Code of Alabama of 1907, as amended by an Act of the Legislature of Alabama, approved September 30th, 1919.

S. 316. To amend Section 1946 of the Code of Alabama of 1907, as amended by an Act of the Legislature of Alabama, approved September 30th, 1919.

S. 395. To make an appropriation to the Alabama School for Negro Deaf and Blind for the purpose of constructing, repairing and equipping buildings at said school.

S. 423. To provide for the relief of Alto V. Jester, who was permanently disabled in the military service of the State of Alabama during emergency military duty in the mineral districts of the State of Alabama, 1920-21.

S. 424. To provide for the relief of Clifton E. Clement, who was permanently disabled in the military service of the State of Alabama during emergency military duty in the mineral districts of the State of Alabama, 1920-21.

H. 490. To better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; to create a State Budget Commission and fix its powers; to prescribe the rules and regulations of such State Budget Commission; to repeal existing acts creating and relating to a State Budget Commission composed of the Governor, Auditor, Attorney General and Chief Examiner of Accounts.

H. 1004. To make an appropriation for the operation and maintenance of the Geological Survey.

H. 1018. To make an appropriation for the necessary repair, maintenance and furnishing of the Governor's Mansion.

H. 1021. To make an appropriation for the maintenance of the Home for Mental Inferiors of Alabama and the inmates thereof.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report with amendment:

H. 854 (with amendment). For the relief of Mrs. Lola Staten, Mrs. Evaline Tolbert, Willie Banks, Lizzie Easterwood, K. H. Isbell, Sammy Isbell, Dan Isbell, Ola Isbell, Dallas Isbell, Ollie Isbell and Louis Isbell.

H. 1005 (with amendment). To make appropriation for the ordinary expenses of the offices of the Governor, the Attorney General, the Judiciary Department, and the interest on the public debt, the State Security Commission, the Public Service Commission and the Department of Archives and History.

H. 1013 (with amendment). To make an appropriation for the support and maintenance of The Southern Industrial Insti-

tute for white boys and girls at Camp Hill, Ala., for the years 1923, 1924, 1925, 1926.

S. 292 (with amendment). To provide for the payment of mileage and per diem to members of certain recess committees of the Legislature of 1923.

H. 143 (with amendment). To provide for the relief of Rad Poe and to make an appropriation therefor.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 461 (with amendment). To make an appropriation for the purpose of acquiring the necessary buildings and equipment for the education and occupation of the adult blind in useful trades, and for the purpose of providing for the control and maintenance of the same.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 1020 (with substitute). To make an appropriation to the Alabama Boys' Industrial School.

Mr. Culver, Chairman of the Standing Committee on Education, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 131. To regulate the accounting for and distribution of funds derived from the levy of the three mill special school district tax.

H. 167. To amend Section 18, Article 5, of an Act entitled "An Act to provide a complete educational system for the State of Alabama; to provide a public school fund; to provide for the administration of the public schools and create a State Board of Education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections of the county tax of three mills or less on each dollar of taxable property under the Amendment to the Constitution of 1901; to pro-

vide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State Superintendent of Education and to fix his compensation; to provide for the organization of the State Department of Education; to provide for the appointment of County Superintendents of Education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education, to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties, to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistance; to provide financial assistance for the erection, repair and equipment of rural school houses, and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform text books throughout the State and to authorize the creation of a State text book committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high schools may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds

and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State secondary agricultural schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State normal schools and for their control and management and for the use of appropriations therefor; ~~to provide for the creation of the Alabama School of Trades~~ and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment and length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State Council of Education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and of the Alabama School for Negro Deaf and Blind, to create a Board of Trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a Board of Directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment for the Alabama School for Juvenile Negro Law Breakers; to provide for the management and control thereof, and for the appointment of a Board of Directors, to define their powers and duties, and for the

method of committing boys thereto, and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this Act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this Act and to provide for the repeal of inconsistent laws enacted heretofore," and approved September 26, 1919.

S. 294. To establish kindergartens in cities and school districts in Alabama, and to provide for their maintenance.

S. 312. To amend Section 1935 of the Code of Alabama of 1907.

S. 314. To amend Section 1942 of the Code of Alabama of 1907, as amended by Acts of the Legislature of Alabama, approved March 13th, 1911, and September 30th, 1919.

H. 377. To authorize the City Board of Education of cities of this State to consolidate with adjourning rural school districts, or parts of such rural school districts.

S. 378. To determine the number of children retarded in mental development in the several counties and cities of the State and to provide for their instruction.

H. 981. To require the tax collectors of the counties of this State to make periodical reports of their collections to the State Department of Education.

H. 983. To require county treasurers, county depositories and county treasurers of public school funds to make monthly reports to the Department of Examiners of Accounts of all moneys paid to such officers by county and state officers.

H. 999. To provide for the retirement of teachers on pay in cities of 100,000 or more according to the Federal census of 1920 or a subsequent Federal census.

Mr. Culver, Chairman of the Standing Committee on Education, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 918 (with amendment). To provide for the election, by the qualified voters, of all public school trustees, in the several school districts of the State of Alabama, outside of incorporated cities and towns, which have at present according to the Federal census, or which may hereafter have by any subsequent Federal census, a population of one thousand or more; and to provide for the powers and duties of such trustees.

Mr. Culver, Chairman of the Standing Committee on Education, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 771 (with substitute). To amend Section 3 of an Act entitled, An Act to provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty cents on each one hundred dollars worth of taxable property in such county, to authorize any school district, in any county that may be levying special county taxes for school purposes of not less than thirty cents on each one hundred dollars worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty cents on each one hundred dollars worth of taxable property in such school district; and to authorize Boards of Education to issue interest bearing warrants to erect, repair and equip school buildings and to otherwise improve school facilities. Acts of Alabama, 1919, p. 58, approved February 13th, 1919.

Mr. Burns, Chairman of the Standing Committee on Agriculture, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 1007. To require the labeling of all cloth, fabric, garment or articles of apparel sold or offered for sale in the State of Alabama, which contain wool, or purport to contain wool, and of all samples of same containing or purporting to contain wool, displayed in this State in soliciting orders, or otherwise, and providing for punishment for violation of same.

Mr. C. O. Thompson, Chairman of the Standing Committee on Temperance, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 900. To prohibit the operation of public dance halls in the State of Alabama and to provide penalties for the violation of this Act.

S. 386. To prescribe the punishment for the sale, barter or exchange of alcoholic, spirituous, vinous or malt liquor or other prohibited liquors containing poison.

Mr. C. O. Thompson, Chairman of the Standing Committee on Temperance, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 723 (with substitute). To further suppress the evils of intemperance; to prohibit the sale, giving away, delivering or

having in possession of any article suitable as an ingredient for and which is to be used for the purpose of manufacturing prohibited liquors or beverages; to provide methods for the enforcement of this act; to make it unlawful to violate any provision of this act and to provide penalties for such violation.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 479. To further regulate the financing of public improvements by cities having a population of over 100,000, according to the last or any subsequent Federal census.

S. 168. To enlarge and extend the boundaries of the corporate limits of the City of Tuscaloosa, Alabama.

H. 1017. To provide for the relief of Mrs. Sam Lewis of Bibb County. Whereas, under the acts of the Legislature of 1919 provision was made for the payment to persons sustaining loss by injury or killing of stock by being bitten by a dog; and Whereas, Mrs. Sam Lewis of Bibb County suffered the loss of a horse to the value of Sixty Dollars from its being bitten by a dog; and Whereas, claim was filed therefor with the Clerk of the Circuit Court as required by law, after proof of said loss so occasioned had been legally made and appraisement of the value of the property had according to the requirements of law; and Whereas, said proof files and appraisement were not filed with the Auditor for payment as required by law.

H. 1016. To extend the boundary lines of the Town of Parrish, in Walker County, Alabama, so as to include in the territory of said corporation of the Town of Parrish, in addition to the territory now embraced therein, the following described lands, to-wit: Beginning at the Northwest corner of the Northeast quarter of the Northwest quarter of Section twenty-one, Township fifteen south, Range seven west, thence south five degrees east, three hundred and ninety-two and seven-tenths feet, thence south sixty degrees and twenty minutes east two hundred and thirteen and one-tenth feet, thence north forty degrees and thirty-five minutes east five hundred and eighty feet, thence north thirty-two degrees and thirteen minutes west three hundred and fifty-nine feet, thence south eighty-seven degrees and six minutes west four hundred and fifty-four and five-tenths feet, thence south six degrees and three minutes east two hundred and twenty-six and five-tenths feet to the place of beginning, all in Walker County, Alabama.

H. 1015. To abolish and dissolve the municipal corporation of the town of Townley in Walker County, Alabama.

H. 1011. To fix the compensation of the President and members of the Board of Revenue of Morgan County, and to repeal all laws in conflict with this Act.

H. 1010. To divide Morgan county into five school districts and to provide for the election of a Board of Education for Morgan County and to prescribe their term of office, power and duties and to provide that one member of said board shall be elected from each school district.

H. 1006. To establish a county court for Lawrence County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that the said court shall be open at all times for the trial of cases and transaction of business; to prescribe rules and procedure of said court; and to provide branches of said court and to make provision for the transfer of certain cases now or hereafter pending in the circuit court of Lawrence County to the Lawrence County Court.

H. 1003. For the relief of M. M. Striplin, who in 1920 erected a school house in District No. 8, Lauderdale County, Alabama, according to the one teacher state building plan, at a cost of Sixteen Hundred Dollars, for which he thought the State would refund him Four Hundred Fifty Dollars upon his execution and delivery to the State of a conveyance of two acres of land on which said school building is located; and while the State has continuously used said building since its erection it has not accepted his deed nor paid him anything for said building.

H. 995. To provide for the election of a county superintendent of education for Bibb County, Alabama, to prescribe his qualifications and to fix his term of office.

H. 959. To provide for the better construction, repairing, working, and maintaining of the public roads and bridges in Shelby County, Alabama.

H. 987. To create the office of County Treasurer for Conecuh County, prescribe his duties, fix his compensation and how the same shall be paid, and to provide for his election to said office by the qualified voters of said county.

H. 986. To require the county board of education of Conecuh County, Alabama, to publish the minutes of its proceedings at each regular, special and adjourned or called meeting in the newspaper printed and published in said county having the largest number of bona fide subscribers; to require such board to designate such newspaper; to provide for furnishing copy to the publisher of such newspaper for publication; and to provide compensation out of the county treasury of said county for furnishing such copy and for publishing same.

H. 992. To establish an inferior court in precinct 3 in Houston County, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct to be known as Court of Common Pleas of Dothan, Alabama; to prescribe the qualifications and the term of office of the judge of said court, his compensation and the method of payment thereof; to provide for the appointment of the first judge of said court, the election of his successor at the general election held in the State in 1924 and thereafter every fourth year; to provide for the filling of any vacancy in the office of judge; to provide for the appointment of a temporary judge and his compensation in the event of the temporary absence or disqualification or disability of the regular judge; to prescribe the powers, jurisdiction and duties of said court and the judge thereof and the pains and penalties of the judge of said court; to prescribe the procedure of said court and the manner of taking appeals therefrom; to provide for the execution of the process of said court; to require all court costs, fines, forfeitures and penalties to be paid in lawful money and when collected paid to the depository of the county and to be kept in a separate fund to be known as "The Inferior Court Fund;" to provide for the payment of the salary of the judge of the inferior court, for the necessary stationery of said court out of the inferior court fund; to provide that on the first day of January of each year after all previous claims against said fund have been paid that the excess remaining in the inferior court fund be transferred and paid into the fine and forfeiture fund of the county; to abolish the office of justice of the peace and notary public with powers of a justice of the peace in said precinct; to provide for the transfer of all cases pending in the courts of the justices of the peace and notary public with powers of justice of the peace in said precinct to the inferior court of said precinct and for the enforcement of all judgments uncollected in said courts.

H. 821. To provide for the establishment, discontinuance, construction and working and maintenance of the public roads and bridges of Barbour County, Alabama, to define the duties and powers of the Board of Revenue of said county with a regard to the same to authorize the Board of Revenue of said county to adopt a vehicle tax in said county and to adopt and prescribe a per capita road tax in said county and to give to the Board of Revenue legislative powers in regard to roads a vehicle tax and per capita tax for the road purposes in said county and to fix penalties for violations of the rules, regulations and laws of the Board of Revenue of said county.

S. 471. To repeal an Act for the protection of lands and plantations from depredations by stock in Bullock County, approved December 8, 1880, and all amendments thereto.

S. 470. To repeal an Act, entitled "An Act to provide a better system and the more efficient working of the public roads in Bullock County, approved September 30, 1903."

S. 448. To provide for the election of a County Superintendent of Education for DeKalb County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for the election of his successor in office.

S. 426. To establish an Inferior Court in and for Conecuh County, Alabama, to be known as the "Inferior Court of Conecuh County;" to define the jurisdiction and powers of said court and the judges and officers thereof; to provide for a place for holding said court and for the terms thereof; and to provide for the terms of office, salaries and compensation of the judge and officers of said court and the manner of their appointment and election, and to provide for the qualification of the judge of said court; and to provide for the costs and fees to be taxed and collected in said court.

H. 818. To regulate fine and forfeiture fund of Barbour County, Alabama, to require the register of claims against said fund, and same to be presented to the clerk of the Board of Revenue and payment of claims once each year against said fund and to regulate registration of such claims and to transfer any surplus to the credit of said funds to the general or road fund of said county as may be directed by the Board of Revenue. To require all persons or officers of the county whose duty it shall be to collect revenues and money belonging to Barbour County to forward to the Clerk of the Board of Revenue a statement of all moneys collected and to what fund deposited, and showing the amount of money so deposited in the depository of the county and from what source the same was collected.

H. 820. To prohibit the payment of certain expenses of the school superintendent and officers of school boards of the county out of the general funds of the county, and to provide for the payment of the operations of schools and calling of elections for school purposes out of the school funds of the county. To regulate the drawing of warrants against the funds of the county and to prohibit the payment of warrants not drawn in accordance with this Act.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report with substitute:

H. 762 (with substitute). To amend Sections one, two and three of an Act: "To divide Montgomery County into three

revenue districts; make the members of the Board of Revenue elective by districts, fix their term of office; prescribe their qualifications; to provide for the appointment of members of said board until the next general election; to prescribe the method of filling vacancies; provide a clerk for said board, fix his salary and prescribe his duties." Approved February 28th, 1907.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 819 (with amendment). To provide for the payment of funds out of the County Treasury and to prohibit the drawing of warrants by any officer except the president of the Board of Revenue of Barbour County and to prohibit the payment of warrants drawn against the funds of said county, except when such warrants are drawn by the President of the Board of Revenue of Barbour County, Alabama, attested by the Clerk of the Board, and to give authority to the Board of Revenue of Barbour County, Alabama, to fix the compensation of the Clerk of the Board of Revenue, provide for the payment thereof; and to repeal all laws in conflict with this Act.

Mr. Walton, Chairman of the Standing Committee on Penitentiary and Criminal Administration, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 373. To amend Section 6866 of the Code of Alabama of 1907.

S. 433. To change the name of the "State Board of Convict Supervisors" to the "State Board of Administration."

Mr. Sollie, Chairman of the Standing Committee on Municipal Organization, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 242. To validate certain bonds heretofore or hereafter issued by municipal corporations in Alabama. Whereas Section 11 of an Act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and secur-

ity of such bonds" contains the following limitation, to-wit: "but no bond bearing six per cent interest shall run for a longer period than ten years," Now therefore,

H. 851. To amend Section 1407 of the Code of 1907. -

S. 241. To amend Section 11, of an Act approved August 26th, 1909, entitled "an Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such elections vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds."

H. 862. To provide further for extending the corporate limits of municipal corporations without an election by annexing adjacent lands or territory thereto when all of such lands or territory so annexed is owned by the State or county and devoted to educational or school purposes.

H. 532. To amend Section ten of an Act approved April 18th, 1911, entitled: An Act to provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from the office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government" as amended by an Act approved September 28th, 1915.

S. 381. To empower municipal corporations having a population of 100,000 inhabitants, or more, according to the last or any subsequent Federal census, to provide for, regulate, and restrict the segregation of business, industrial and residential sections, the height, number of stories, size of buildings and other structures, the percentage of lot that may be occupied, the distance of buildings from streets, alleys or other public ways, the distance between building, the density of population and the location and use of buildings, structures and land; to divide the municipality into zones or districts; to regulate and restrict the

erection, construction, reconstruction, alteration, repair, or use of buildings, structures or lands within such zones or districts, and the housing or residence therein of the different classes of inhabitants; to provide for the creation of a Zoning Commission, and the power, jurisdiction and authority thereof; to provide for a Board of Zoning Adjustment and define the authority, powers and functions of such Board of Zoning Adjustment, its procedure and an appeal from its decisions; and to provide remedies for the enforcement of ordinances, resolutions or regulations made by such municipalities under the authority of this Act.

S. 412. To authorize municipal corporations having a population of 60,000 or more inhabitants according to the last or any subsequent Federal census, to improve streets and sidewalks and sections of streets and sidewalks by the construction of electric lighting systems known as "white ways," and to charge the cost to the property owners abutting on and to which the system known as "white way" lighting serves in the ornamental decorating and lighting of the street upon which the property butts; provided such lighting system shall not include overhead street lighting; and to provide that such municipal corporations shall maintain such lighting systems after they have been established, and shall pay for the cost of the current and the expense of such maintenance.

H. 1014. To amend and re-enact an Act entitled "An Act to provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama having a population of one hundred thousand or more, according to the last or any succeeding Federal census; to provide for a Civil Service Board in such cities, fixing their duties, authority and powers," approved February 10, 1923.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organization, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 767 (with substitute). To amend Sections 18 and 81 of an Act approved August 13, 1907, entitled "An Act to provide for the organization, incorporation, government, and regulation of cities and towns and to define the rights, powers, duties, jurisdiction and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violation of the provisions of this Act."

Mr. Sollie, Chairman of the Standing Committee on Municipal Organization, reported that said Committee, in session, had

acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 413 (with amendment). To provide for the collection of a per capita road tax and for a license tax on all vehicles, including vehicles propelled by animals, electricity, gasoline, or other power whatsoever, to be used for the maintenance, building, upkeep and repair of public roads and bridges in Dale County, Alabama; to prescribe the manner and means of raising or collecting such tax; to provide for and regulate the working, building, maintenance, and upkeep of the public roads and ~~bridges and to provide and fix penalties for the violation of the~~ provisions and purposes of this Act.

Mr. Rountree, Chairman of the Standing Committee on Banking and Insurance, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 673 (with amendment). To amend Section 3, Section 4, Section 5, Section 7, Section 11 and Section 12 of an Act entitled "An Act authorizing and regulating certain classes of indemnity contracts, empowering corporations to make such contracts, and fixing certain fees and penalties for violation thereof, approved August 25, 1915."

Mrs. Wilkins, Chairman of the Standing Committee on Public Health, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 958. To repeal an Act entitled an Act: "To prevent the spread of tuberculosis by the creation of a tuberculosis commission, to provide for its organization and work, and to authorize the erection and maintenance of local hospitals under its supervision." Approved September 22, 1915.

S. 165. To provide for the protection of child-caring agencies and institutions in maintaining custody and control of dependent and orphan children lawfully committed to their care, and to provide for punishment for interference with such custody and control.

Mr. Grove, Chairman of the Standing Committee on Game, Fish and Forestry Preservation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 989. To provide for the protection of certain edible game fish; to provide penalties for violation of the provisions of this Act.

S. 380. For the prevention of the pollution of the waters in the State of Alabama in such manner and to such extent as shall injure or destroy the lives of fish which may inhabit such waters.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 1027. To provide for and establish in each and all counties of this State which now have a population of two hundred thousand people, or more, according to the last Federal census, or which shall hereafter have such population, or more, according to any such census hereafter taken, a court to be designated the Court of Domestic Relations; to provide that such courts shall be courts of record; to define the jurisdiction, power and authority of such courts; to provide the means necessary, proper or convenient for the exercise thereof, and to regulate same; to provide for a senior judge, and an associate judge, or such courts, and for such other officers and employees, as are necessary or convenient for the exercise of its jurisdiction, and for their compensation; to provide for and regulate the procedure in such courts; to authorize the senior judge of said courts to determine the form of records; to provide for appeals from said courts, and to regulate same; to fix and regulate the taxing of costs in such courts; to provide for the transfer to the jurisdiction of such courts certain causes pending in the Circuit Court and other Courts in such counties and all causes pending in Juvenile Courts in such counties, and all wards and probationers of such Juvenile Courts in such counties; to provide that if any section, paragraph or other part of this Act shall be declared unconstitutional, that such decision shall not affect the remainder thereof; to repeal all laws and parts of laws inconsistent, or in conflict with this Act, and to designate when this Act shall take effect.

The above and foregoing bills were severally read a second time and placed on the Calendar.

By Mr. Craft:

S. 444. A bill to be entitled an Act to submit to the qualified electors of Alabama an amendment of the Constitution of Alabama authorizing Mobile County to increase its indebtedness for the purpose of constructing concrete or better than concrete surfaced public roads, and concrete or better than concrete bridges in said county, and a way for vehicular traffic between Mobile and Baldwin counties; to issue bonds therefor, and to levy and collect taxes on property in Mobile County to pay for the

same, in addition to the indebtedness, bonds and taxes now authorized by the Constitution:

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed by the Legislature for the consideration of the qualified electors of Alabama, viz:

PROPOSED AMENDMENT.

290 Mobile County may become indebted and may issue bonds for the construction or improvement of concrete or better than concrete surfaced public roads, and concrete or better than concrete public bridges in said county, and for the construction of bridges and roadway necessary to provide a public road for vehicular travel between the highlands of Mobile and Baldwin Counties, in an amount not to exceed six and one-half per centum of the assessed value of the property situated in Mobile County. To pay said indebtedness and the interest thereon, Mobile County may levy and collect an annual tax on said property not to exceed one-half of one per centum of said value. The indebtedness, the bonds and the tax authorized hereby shall be in addition to those authorized by the Constitution of Alabama prior to the adoption of this amendment. But no such additional indebtedness shall be created, and no such additional bonds shall be issued and no such additional tax shall be levied, until each improvement or construction proposed to be built thereby, its approximate location, estimated cost and time of completion, and the amount of the proposed increase, shall have been determined upon and made public by the Board of Revenue and Road Commissioners of Mobile County, and the proposed increase of indebtedness or issue of bonds or tax therefor shall have been first authorized by a majority vote by ballot of the qualified voters of Mobile County voting upon such proposition.

Section 2. It is ordered by the Legislature that an election by the qualified electors of this State upon the aforesaid proposed amendment be held at the general election next succeeding this session of the Legislature.

The above bill proposing an amendment to the Constitution was read a second time and placed on the Calendar.

BILLS REPORTED ADVERSELY.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 232, by Mr. Fite; H. 636, by Mr. Howze; H. 1022, by Mr. Culver; H. 768, by Mr. Howze; H. 791, by Mr. L. K. Bowen;

H. 770, by Mr. Fite; S. 317, by Mr. McNeil; S. 319, by Mr. McNeil.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 976, by Mr. Howze.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 345, by Mr. Elliott; H. 896, by Mr. Jones; H. 938, by Mr. Cato; H. 965, by Mr. Embry; H. 967, by Mr. Cato.

Mr. Culver, Chairman of the Standing Committee on Education, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

S. 200, by Mr. Ellis; H. 593, by Mr. Hampton; H. 315, by Mr. Young.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 948, by Mr. Burton; H. 973, by Mr. Thompson of Etowah; H. 978, by Mr. Coleman; S. 443, by Mr. Craft.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organization, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 788, by Mr. Fite.

Mr. Goode, Acting Chairman of the Standing Committee on Banking and Insurance, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 997, by Mr. Thompson of Etowah.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bills:

S. 252. To amend an Act entitled "An Act to regulate public schools in the county of Mobile," approved February 15, 1876 by amending section 7 thereof so as to relieve the county superintendent of education from the duty of collecting, receiving and disbursing the revenue of the board of school commissioners of Mobile county; and by adding another section to empower and require the said board to elect a treasurer of the board of school commissioners of Mobile county and to fix his term of office and salary, the said section to prescribe his duties and to require him to execute a bond for the faithful performance of his duties.

Said Governor's message containing the proposed amendment being in words and figures as follows, to wit:

Message to the Senate:

I herewith return you Senate Bill 252 without my approval. The bill in its present form, in my opinion, will be in violation of the Constitution of this State. It is, however, susceptible of amendment so as to cure this defect and if so amended it will meet with my approval.

I suggest that both the bill and caption be amended so as to read as follows:

A BILL

To be entitled An Act:

To amend an Act entitled "An Act to regulate public schools in the County of Mobile," approved February 15, 1876, by amending Section 7 thereof so as to relieve the County Superintendent of Education from the duty of collecting, receiving and disbursing the revenue of the Board of School Commissioners of Mobile County.

Be it enacted by the Legislature of Alabama:

1st: That Section 7 of an Act entitled An Act to regulate public schools in the County of Mobile, approved February 15, 1876, be and the said section is hereby amended to read as follows:

Section 7: Be it further enacted, that the County Superintendent of Education shall be ex-officio, a member of the Board of School Commissioners, and it shall be his duty to be present at every regular meeting of said Board, and make full and detailed reports of the condition of the schools, and of all matters coming under his supervision, as often as the Board may require. He shall have, under the direction of the said Board, general supervision of all public schools in the County of Mobile, and in general shall perform all duties and carry into effect all orders and resolutions which the said Board may establish and direct. He shall receive such compensation for his services as the Board may ordain and may at any time be removed from office for dereliction in duty after due examination had; provided, that not less than two-thirds of the members comprising the Board shall vote in favor of such removal.

Section 2. Be it further enacted, That all laws and parts of laws consistent with the provisions of this Act are hereby repealed.

Respectfully submitted,

(Signed) Wm. W. Brandon,
Governor.

September 11th, 1923.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill by a majority of the whole number elected to the Senate; said vote being Yeas 26, Nays 0.

And said bill, S. 252, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a majority of the whole number elected to the Senate, said vote on the passage of said bill as amended being Yeas 27, Nays 0.

And said bill, together with the Governor's message containing the proposed amendment, is herewith sent to the House for its consideration.

J. E. Speight,
Secretary.

SENATE MESSAGE:

On motion of Mr. Grove, the House concurred in and adopted the amendment proposed by the Governor to the bill, S. 252, said Governor's amendment being set out in the above and foregoing message from the Senate.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glover	LeMaistre	Rutherford
Adcock	Goodwyn	Love	Sanders (Conecuh)
Ashcraft (Lauderd's)	Grove	McDaniel	Sessions
Bealle	Hampton	McGowen	Smith (Jefferson)
Blackwell	Hatter	Melton	Smith (Lee)
Boykin	Hawkins	Moorer	Snodgrass
Burns	Henson	Moxley	Stewart (Bibb)
Burton	Hodgson	Nichols	Tunstall
Deloney	Holcombe	Norman	Verner
Dickinson	Hornsby	Parker	Walker
Dunwoody	Howard	Patterson	Wall
Elliott	Howze	Posey	Walton
Embry	Jones	Powell	Ware
Fanning	Kilborn	Ringer	Williams
Fite	Kilpatrick	Rountree	

—60

Which was a majority of the whole number elected to the House.

And the bill,

S. 252. To amend an Act entitled "An Act to regulate public schools in the county of Mobile," approved February 15, 1876 by amending section 7 thereof so as to relieve the county superintendent of education from the duty of collecting, receiving and disbursing the revenue of the board of school commissioners of Mobile county; and by adding another section to empower and require the said board to elect a treasurer of the board of school commissioners of Mobile county and to fix his term of office and salary, the said section to prescribe his duties and to require him to execute a bond for the faithful performance of his duties.

As amended by the amendment proposed by the Governor, was again read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Hatter	McGowen
Adams	Deloney	Hawkins	Melton
Adcock	Dickinson	Henley	Patterson
Allen	Dowdle	Hodgson	Sessions
Arrington	Dunwoody	Holcombe	Smith (Clay)
Ashcraft (Fayette)	Elliott	Hornsby	Smith (Jefferson)
Ashcraft (Lauderdale)	Embry	Howard	Smith (Lee)
Bealle	Ferrell	Howze	Stewart (Calhoun)
Blackwell	Forman	Hubbard	Thompson (Etowah)
Boykin	Glenn	Kilborn	Thompson (Jackson)
Calloway	Glover	LeMaistre	Tunstall
Cato	Goode	Letson	Verner
Christian	Graves	Long	Walker
Coleman	Grove	Luck	Walton
Cook	Hampton	McDaniel	

—60

Which was a majority of the whole number elected to the House.

Mr. St. John gave notice that on tomorrow he would move to take H. 978 from the Adverse Calendar.

Mr. Thompson of Etowah gave notice that on tomorrow he would move to take H. 973 from the Adverse Calendar.

Mr. Burton gave notice that on tomorrow he would move to take H. 849 from the Adverse Calendar.

Mr. Ashcraft of Lauderdale gave notice that on tomorrow he would move to take H. 546 from the Adverse Calendar.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 501. To create and establish and locate a State secondary agricultural school in Sumter county at or near Cuba, Alabama; to provide for the control thereof; to make appropriations for its support and maintenance; and to authorize the county board of revenue or court of county commissioners to make appropriations therefor.

H. 731. To make further provision for paying the mileage and per diem of the members and officers and expenses of the Legislature.

J. E. Speight,
Secretary.

UNFINISHED BUSINESS.

The House proceeded to the consideration of the Unfinished Business, which was the bill,

S. 429. To amend an Act entitled "An Act to amend Sections 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6460, 6461, 6462, 6463, 6464, 6465, of the Code of Alabama 1907," approved September 16, 1915.

Mr. Ferrell offered the following amendment to the bill,

To amend Section 7 of the bill by adding after the word "Department" where it appears in the fifth line of said section, the following:

"Provided, that nothing in this bill shall be construed as empowering the State Child Welfare Department to pass upon or hold examinations for probation officers in the several counties of this State. Said examinations shall be prepared by the State Child Welfare Department, and upon application of any officer of any county in this State, the same shall be furnished said officer or officers, who shall thereafter hold said examinations and pass upon the qualifications and fitness of any and all applicants, before any probation officer shall be employed.

And the amendment was adopted.

Yeas, 62; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Kilpatrick	Sanders (Pike)
Adams	Dowdle	Letson	Smith (Jefferson)
Adcock	Embry	McDaniel	Smith (Lee)
Allen	Fanning	Melton	Snodgrass
Arrington	Ferrell	Mooneyham	Sollie
Ashcraft (Fayette)	Fite	Moorer	Stewart (Bibb)
Blackwell	Gaines	Nichols	Stewart (Calhoun)
Bowen, Lewis	Goodwyn	Norman	Thompson (Etowah)
Bowen, L. K.	Graves	Odum	Tunstall
Boykin	Grove	Parker	Tyson
Burns	Guy	Patterson	Verner
Cato	Hatter	Poole	Walker
Christian	Howze	Rives	Wall
Cook	Jeter	Rountree	Walton
Culver	Jones	St. John	Ware
Deloney	Kilborn		

—62

Mr. Ferrell offered the following amendment to the bill,

To amend Section 9 of the bill by striking from said section the following words where they appear in the last three lines of said section, and which are as follows:

"Provided, that no dependent or neglected child shall be committed to any institution or agency receiving delinquent children."

And the amendment was adopted.

Yeas, 62; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Kilborn	Sanders (Pike)
Adams	Dickinson	Kilpatrick	Smith (Jefferson)
Adcock	Dowdle	Letson	Smith (Lee)
Allen	Embry	McDaniel	Snodgrass
Arrington	Fanning	Melton	Sollie
Ashcraft (Lauderd'e)	Ferrell	Mooneyham	Stewart (Bibb)
Blackwell	Fite	Moorer	Stewart (Calhoun)
Bowen, Lewis	Gaines	Nichols	Thompson (Etowah)
Bowen, L. K.	Goodwyn	Norman	Tunstall
Boykin,	Graves	Odom	Tyson
Burns	Grove	Parker	Varnier
Cato	Guy	Patterson	Walker
Christian	Hatter	Poole	Wall
Coleman	Howze	Rives	Walton
Cook	Jeter	Rountree	Ware
Culver	Jones	St. John	

—62

Mr. Ferrell offered the following amendment to the bill,

To amend Section 18 of the bill by adding at the end of said section the following:

"Provided, that no child shall be committed to jail under any sentence of any judge except to hold pending a final disposition of his case. It being the spirit and intent of this law not to incarcerate children in jails under sentence, but merely for safe keeping where it becomes imperative pending a final disposition of their case."

And the amendment was adopted.

Yeas, 62; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Kilpatrick	Sanders (Pike)
Adams	Dowdle	Letson	Smith (Jefferson)
Adcock	Embry	McDaniel	Smith (Lee)
Allen	Fanning	Melton	Snodgrass
Arrington	Ferrell	Mooneyham	Sollie
Ashcraft (Fayette)	Fite	Moorer	Stewart (Bibb)
Blackwell	Gaines	Nichols	Stewart (Calhoun)
Bowen, Lewis	Goodwyn	Norman	Thompson (Etowah)
Bowen, L. K.	Graves	Odom	Tunstall
Boykin	Grove	Parker	Tyson
Burns	Guy	Patterson	Verner
Cato	Hatter	Poole	Walker
Christian	Howze	Rives	Wall
Cook	Jeter	Rountree	Walton
Culver	Jones	St. John	Ware
Deloney	Kilborn		

—62

Mr. Ware offered the following amendment to the bill,
That Senate bill No. 429 is hereby amended by striking Section No. 8 from said bill.

And the amendment was adopted.

Yeas, 78; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Howard	Rives
Adams	Embry	Howze	Rountree
Adcock	Fanning	Hubbard	St. John
Allen	Ferrell	Jeter	Sanders (Conecuh)
Ashcraft (Fayette)	Fite	Jones	Sanders (Pike)
Ashcraft (Lauderdl.)	Forman	Kilborn	Smith (Lee)
Bealle	Gaines	LeMaistre	Snodgrass
Bowen, Lewis	Glover	Letson	Sollie
Bowen, L. K.	Goode	Long	Stewart (Calhoun)
Boykin	Goodwyn	Love	Thompson (Etowah)
Burns	Graves	Luck	Tiller
Burton	Grove	McDaniel	Tunstall
Calloway	Guy	McGowen	Tyson
Christian	Hall	Melton	Varnar
Coleman	Hampton	Moorer	Verner
Cook	Hatter	Moxley	Walker
Culver	Henley	Nichols	Wall
Deloney	Henson	Norman	Walton
Dickinson	Hodgson	Patterson	Ware
Dowdle	Hornsby	Posey	Williams

—78

Mr. Cook moved to indefinitely postpone the bill and amendments and the motion was lost.

Yeas, 11; nays, 68.

Yeas:

Messrs:

Blackwell	Cook	Moxley	Sanders (Pike)
Boykin	Guy	Ringer	Stewart (Bibb)
Burton	Henson	Sanders (Conecuh)	

—11

Nays:

Messrs:

Mr. Speaker	Coleman	Howard	Moorer
Adams	Culver	Howze	Nichols
Adcock	Deloney	Hubbard	Norman
Allen	Dowdle	Jeter	Patterson
Arrington	Embry	Jones	Poole
Ashcraft (Fayette)	Ferrell	Kilborn	Powell
Ashcraft (Lauderdl.)	Forman	LeMaistre	Rives
Bealle	Goode	Letson	Rountree
Bowen, Lewis	Goodwyn	Long	St. John
Bowen, L. K.	Graves	Love	Smith (Clay)
Burns	Grove	Luck	Smith (Jefferson)
Byars	Hatter	McDaniel	Smith (Lee)
Calloway	Henley	McGowen	Snodgrass
Christian	Hodgson	Melton	Sollie

Stewart (Calhoun) Tunstall
Thompson (Etowah) Tyson
Tiller Varner

Verner
Walker
Wall

Walton
Ware
Williams

—68

And the bill,

S. 429. To amend an Act entitled "An Act to amend Sections 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6460, 6461, 6462, 6463, 6464, 6465, of the Code of Alabama 1907," approved September 16, 1915.

As amended, was read a third time at length and passed.

Yeas, 67; nays, 11.

Yeas:

Messrs:

Mr. Speaker Dickinson
Adams Dowdle
Adcock Dunwoody
Allen Embry
Arrington Fanning
Ashcraft (Fayette) Ferrell
Ashcraft (Lauderdale) Fite
Bealle Forman
Bowen, Lewis Goode
Bowen, L. K. Goodwyn
Burns Graves
Burton Grove
Byars Hall
Calloway Hatter
Cato Hawkins
Christian Henley
Culver Hodgson

Holcombe
Howard
Howze
Hubbard
Jeter
Jones
Kilborn
Lee
LeMaistre
Letson
Long
McDaniel
Norman
Patterson
Posey
Rives
Rountree

St. John
Smith (Jefferson)
Smith (Lee)
Snodgrass
Sollie
Stewart (Calhoun)
Thompson (Etowah)
Tiller
Tunstall
Tyson
Varner
Verner
Walker
Wall
Walton
Williams

—67

Nays:

Messrs:

Blackwell
Boykin
Cook

Glover
Guy
Henson

Moxley
Ringer
Sanders (Conecuh)

Sanders (Pike)
Stewart (Bibb)

—11

BILL ON THIRD READING.

H. 575. To authorize county boards of education in the several counties of this State, to borrow money for the purpose of paying debts incurred or created by such boards, or that may be incurred or created until the first day of October, 1923, and to issue warrants therefor bearing interest at a rate not exceeding 6% per annum, payable at such time as the board may fix or to use such warrants in the payment of such debts.

Was read a third time at length and passed.

Yeas, 67; nays, 1.

Yeas:

Messrs:

Adams	Cook	Howard	Rives
Adcock	Culver	Jeter	Rountree
Allen	Dickinson	Jones	Sanders (Conecuh)
Arrington	Dowdle	Kilborn	Sanders (Pike)
Ashcraft (Fayette)	Dunwoody	Lee	Smith (Jefferson)
Ashcraft (Lauderd'l)	Embry	LeMaistre	Smith (Lee)
Bealle	Fanning	Letson	Sollie
Blackwell	Ferrell	Love	Stewart (Bibb)
Bowen, Lewis	Forman	McGowen	Stewart (Calhoun)
Bowen, L. K.	Goode	Melton	Tiller
Boykin	Goodwyn	Nichols	Tunstall
Burns	Grove	Norman	Tyson
Byars	Hampton	Parker	Varner
Calloway	Hawkins	Patterson	Verner
Cato	Henson	Poole	Wall
Christian	Hodgson	Posey	Williams
Coleman	Hornsby	Ringer	

—67

Nays: Mr. Guy—1.

And the bill was ordered sent to the Senate without engrossment.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same.

Delivered to the Governor September 13, 1923, at 11 A. M.

H. 646, H. 107, H. 312, H. 761, H. 838, H. 716, H. 511, H. 255, H. 615, H. 356, H. 616, H. 190.

J. H. Stewart,
Clerk.

RECESS.

The hour of one o'clock having arrived, the House recessed until 3 P. M.

AFTERNOON SESSION.

The hour of 3 o'clock having arrived, the House reconvened.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Jeter:

H. 215. Resolved that H. 638 be made a special paramount and continuing order for the Forty-Fifth Legislative Day.

And the resolution was referred to the Committee on Rules.

By Mr. Stewart of Bibb:

H. 216. Resolved that H. 628 be made a special paramount continuing order for the next Legislative Day.

And the resolution was referred to the Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in the House amendment to the bill:

S. 296. To amend an Act to establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said Court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said Court; and to provide for the transfer of certain causes now or hereafter pending in the Circuit Court of Morgan County, Alabama, to the Morgan County Court, approved September 24, 1919.

And has non-concurred in the House amendment to the following Senate bill:

S. 364. To amend Section 7 of an Act entitled an Act to establish an Inferior Civil Court in lieu of Justices of the Peace for all precincts lying within or partly within the City of Mobile, approved April 15th, 1911.

And requests a Committee of Conference. And the President of the Senate has named as conferees on the part of the Senate, Messrs. Craft, Griffith and Waddell.

J. E. Speight,
Secretary.

SENATE MESSAGE:

The House acceded to the request of the Senate for a Committee of Conference on the disagreement of the two Houses on the House amendment to the bill, S. 364, and the Speaker named

as conferees on part of the House, Messrs. Kilborn, Holcombe and Grove.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 252. An Act to amend an Act entitled "An Act to regulate public schools in the County of Mobile," approved February 15, 1876, by amending Section 7 thereof so as to relieve the County Superintendent of Education from the duty of collecting, receiving and disbursing the revenue of the Board of School Commissioners of Mobile County.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendments to the bill:

H. 321. Relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney busses, trailers used on the public highway and for the registration or license fee therefor.

Said conference report being in the following words and figures, to-wit:

To the Presiding Officer of the Senate:

To the Speaker of the House of Representatives:

Your Committee of Conference, having under consideration House Bill No. 321, "A bill to be entitled: An Act relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney busses, trailers used on the public highway and for the registration or license fee therefor," beg leave to report as follows:

We recommend as follows:

(1) That the Senate recede from all amendments to the House bill.

(2) That the Senate amend said House Bill No. 321 as follows, to-wit: Amend the title of the bill so as to read as follows:

A bill to be entitled: An Act relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney busses, trailers used on the public highway of Alabama, and for the registration or license fee therefor, and to further provide for the revenue of the State of Alabama.

By adding the following section:

Section 11½: All licenses under this Act shall become due on October 1st of each year and delinquent on November 15 thereafter.

Also amend Section 19 of said Act so that the same shall read as follows:

Section 19. (a) To prevent motor vehicles within the meaning of this Act from escaping taxation and to provide for the more efficient assessment and collection of taxes due on same, on and after the first day of October, 1923, no license shall be issued to operate a motor vehicle on the public highways of this State, nor shall any transfer be made by the probate judge as provided under this Act, until the ad valorem tax on such vehicle shall have been paid in the county for the preceding year, as evidenced by a receipt of the tax collector where the owner of said vehicle resides, if the vehicle is owned by an individual, and if the motor vehicle is owned by a firm, corporation or association, then as evidenced by the receipt of the tax collector in the county in which such motor vehicle is used or operated; provided that this section shall not apply to motor vehicles owned by dealers, the State, counties and municipalities. On and after the first day of October, 1923, every person, firm, or corporation who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation to the tax assessor of the county in which he resides, for the preceding tax year, and the tax assessor of such county shall deliver to such person who makes the return as herein required a certificate of assessment on a form prescribed by the State Tax Commission, and such certificate shall be the warrant of the tax collector to collect the tax as shown thereon. (b) If any motor vehicle has already been returned for the fiscal year beginning October 1st, 1922, and ending September 30th, 1923, the tax assessor shall issue a certificate showing the valuation of such motor vehicle, and the tax collector shall collect the taxes according to such valuation, and credit same upon the collector's

abstract as part payment. (c) After the first day of October, 1923, motor vehicles within the meaning of this Act, shall not be included in any assessment made by any person, firm or corporation as of the first day of October, 1923, or subsequent years; and such motor vehicles shall not be considered as escaped property by reason of failure to include same in any tax return as of the first day of October, 1923, or any subsequent year, but shall be assessed as herein provided.

(d) The judge of probate upon issuing a license as herein provided shall require the applicant to surrender the receipt of the tax collector and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this Act. Valuation for ad valorem assessment shall be sixty per cent of the fair and reasonable value of same.

(e) Motor vehicles brought into this State after the first day of October and before the tax assessor has completed his assessment shall be subject to taxation the same as if it had been held or owned in the State on the first day of October. (e-1) The probate judge is authorized to issue a motor vehicle license upon a certificate of the tax assessor certifying that there is no ad valorem taxes on said motor vehicle for the preceding year.

(f) The tax assessors and collectors of the several counties in this State, in addition to assessing and collecting the ad valorem taxes due the State and counties on motor vehicles, shall collect the ad valorem taxes on motor vehicles due all cities in this State which now have, or which may hereafter have a population of not less than thirty-five thousand people and not more than fifty thousand people according to the last Federal census or any such census which may hereafter be taken. The tax collectors shall report and pay over the money collected for said cities at the same time and in the same manner as State and county taxes are reported and paid over by him.

Said tax assessors and collectors shall each receive a commission of two and one-half per cent of the amount of city taxes collected; and the tax collectors shall deduct said commission from the amount collected before paying into the city treasury, and at the same time pay over to the tax assessor commissions due him under this Act. The judge of probate shall not issue a license to operate a motor vehicle on the highways of this State until all ad valorem taxes due the said State, counties and cities are paid for the preceding year as shown by a receipt of the tax collector.

Also amend Section 22 by inserting after the word "owner" where it occurs on the seventh line of said section, the following: "Provided that any county may levy and collect for the purpose

of maintaining the public roads, bridges and ferries of the county a license tax not to exceed one-half of the State license tax on motor vehicles used for hauling timber, lumber or minerals over the roads of said county. Provided further that only one such license tax can be levied and collected on one and the same motor vehicle for one and the same period of time.

Also amend Section 23 so that the same shall read as follows:

Section 23. The money collected as motor vehicle license taxes, less all the expenses necessary or incident to the collection of such taxes including the printing and distribution of assessment blanks, blank receipts and license blanks, shall be distributed as follows: Eighty per cent (80%) to the State and twenty (20%) to the incorporated city or town in which the owner of the motor vehicle resides, and twenty per cent (20%) to the county, if the owner of the motor vehicle resides outside of an incorporated city or town. The money collected as motor vehicle license taxes by the State, less expenses, shall be used exclusively to create a sinking fund for the prompt and faithful payment of the principal and interest on good road bonds and for construction, maintenance and improvements of public highways, roads and bridges, as required under provisions of Article XX of the Constitution of Alabama.

Also amend bill by adding thereto Sections 25-A and 25-B.

Section 25-A. The State Tax Commission is hereby authorized and empowered, when it deems it necessary to do so in order that all taxable property shall be listed for taxation, to appoint a deputy tax assessor whose duty it shall be to list for assessment and taxation any personal property subject to taxation in Alabama and which property is not entered on any tax return made to the county tax assessor or to the State Tax Commission. (a) Such deputy tax assessors shall hold office only at the will of and shall be governed by rules and regulations prescribed by the State Tax Commission and shall have the same power and authority as county tax assessors in the performance of their duties in the assessment of personal property which has escaped taxation. (b) The compensation of deputy tax assessors appointed under this section shall not exceed twenty per cent of the actual amount of money collected by the county tax collector on the escaped personal property listed and assessed by said deputy assessors, which compensation shall be paid by the county tax collector, upon certificate of the State Tax Commission, out of the moneys collected by such tax collector on such escaped personal property assessments, the collector shall take a receipt therefor and such receipts shall be filed with the State Auditor at the time the tax collector makes his annual settlement and the amount shown thereon shall be a credit against

such escape tax as assessments charged against the collector. (c) Deputy tax assessors appointed under this section shall be required to execute a bond payable to the State of Alabama, in an amount prescribed by the State Tax Commission, which bond shall be filed with and approved by said Commission, and conditioned to faithfully perform the duties of deputy assessor.

Section 25-B. The State Tax Commission is hereby authorized and empowered to appoint a license inspector for each county, provided that the same person may be appointed for more than one county. It shall be the duty of the license inspector to scrutinize the records and stubs kept in the office of the probate judge, and if it shall be reported to any license inspector or come to his knowledge that any person, persons, firms or corporations have failed or refused to take out licenses required by law, the license inspector shall forthwith cite such delinquent to appear before him at the courthouse of the county in which such citation is issued and show cause why the license or privilege tax required by law has not been paid and if such license is due, then the license inspector shall cause the delinquent to appear before the probate judge of the county and take out the same, but such probate judge shall not have the authority to determine the liability of such delinquent for such license, and shall in each case issue a license to the applicant therefor upon the payment by him of the amount or amounts prescribed in this Act. If such delinquent shall fail or refuse to take out license, the license inspector shall institute or cause to be instituted criminal proceedings against such delinquent, before any court having jurisdiction of such offense. In case of emergency the license inspector must commence the criminal proceedings in the first place. For performing the duties required by this section, the license inspectors are entitled to be paid by the delinquent, in addition to the license, fifteen per cent of the amount of the license so collected from each delinquent, which must be paid in all cases if report has been made to the judge of probate of such delinquency, and if a criminal prosecution shall be commenced either by affidavit and warrant, or information or indictment, the license inspector shall be paid fifteen per cent of the penalty thereafter prescribed in such case, all cost and penalty to be paid in money, but in all proceedings under this Act, the license due October 1st shall not be delinquent before the first day of November of each year. Provided that such license inspector shall before entering upon his duties be required to enter into a bond in a sum to be fixed by the State Tax Commission, payable to the State of Alabama, conditioned as bonds of other State officers. License inspectors are authorized to appoint deputies, and the acts of such deputies shall be recognized as his acts, and he shall be responsible for the

same. Such deputies shall receive no compensation for their services out of the State or county revenue, except in cases as otherwise provided in this Act. All citations to delinquents shall be served by any lawful officer, or by the license inspector, or his deputy, who shall be allowed as a fee one dollar and fifty cents (\$1.50) for each citation served, to be taxed against the delinquent. From penalties collected the license inspector shall be paid all fees due him for services, as provided by this Act. The residue shall be paid two-thirds to the State and one-third to the county. License inspectors shall have the same power to arrest persons violating the revenue laws of the State as is now vested in the sheriffs of the State, and shall receive the same fees for such service.

We recommend that the Senate adopt said amendments.

We further recommend that the Senate pass said bill as amended.

We further recommend that the House concur in each and every one of said amendments.

All of which is respectfully submitted,

James B. Ellis,

Charles B. Teasley,

R. H. Powell,

Committee on the part of the Senate.

A. M. Tunstall,

H. Grady Tiller,

R. T. Goodwyn,

Committee on the part of the House.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Tunstall the House concurred in and adopted the report of the Conference Committee on the disagreement of the two Houses on the Senate amendment to the bill H. 321, said report of the Committee of Conference being set out in the above and foregoing message from the Senate.

Yeas, 68; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Bealle	Culver	Forman
Adams	Bowen, Lewis	Dickinson	Goodwyn
Adcock	Bowen, L. K.	Dowdle	Grove
Allen	Boykin	Dunwoody	Hatter
Arrington	Burns	Embry	Hawkins
Ashcraft (Fayette)	Calloway	Fanning	Henley
Ashcraft (Lauder ¹)	Cook	Fite	Hodgson

Holcombe	Long	Rives	Thompson (Jackson)
Howard	Luck	Rountree	Tiller
Howze	McDaniel	St. John	Tunstall
Hubbard	Melton	Sanders (Pike)	Tyson
Jeter	Moorer	Sessions	Varner
Jones	Nichols	Smith (Jefferson)	Verner
Kilborn	Norman	Smith (Lee)	Walker
Kilpatrick	Odom	Sollie	Wall
LeMaistre	Parker	Stewart (Calhoun)	Mrs. Wilkins
Letson	Ringer	Thompson (Etowah)	Williams

—68

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bill with the engrossed and original bill, respectively, and find same correctly enrolled, to-wit:

H. 321. Relating to and to further provide for the revenue of the State of Alabama, by providing for the registration and identification of motor vehicles, motor tractors, jitney busses, trailers, used on the public highways of Alabama, and for a registration or license fee therefor, and to further provide for the revenue of the State of Alabama.

Jas. A. Smith,
Chairman.

SIGNING OF BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same.

Delivered to the Governor September 13, 1923, 4:15 P. M.

H. 321.

J. H. Stewart,
Clerk.

BILLS ON THIRD READING.

H. 601 (with amendment). To make appropriations for the promotion of vocational education in agriculture, trades and industries, and home economics in co-operation with the Federal Board for Vocational Education or otherwise.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Ways, Means and Appropriations, said Committee amendment being as follows:

To Section 2 of a bill entitled an Act to make appropriations for the promotion of vocational agriculture, trades and industries and home economics, etc.

That the following be added to and made a part of the last sentence of Section 2, being added at the close: "and provided further that the provisions of this section shall not become effective until the proceeds of the proposed constitutional four mill tax have been made available for the support of the public schools, including the normal schools, and for the support of the institutions of higher learning, or until such a time as the Federal Congress shall make an appropriation for the promotion of vocational home economics education which must be matched by State funds."

On motion of Mrs. Wilkins the Committee amendment was laid upon the table.

Mrs. Wilkins offered the following amendment to the bill, "Amend the bill by striking out Section 2."

And the amendment was adopted.

Yeas, 69; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Hornsby	Norman
Adams	Embry	Howard	Patterson
Adcock	Fanning	Howze	Powell
Allen	Ferrell	Hubbard	Rountree
Ashcraft (Fayette)	Fite	Jeter	Sanders (Conecuh)
Ashcraft (Lauderd ^l)	Forman	Jones	Sanders (Pike)
Bealle	Glenn	Kilpatrick	Sessions
Bowen, Lewis	Glover	Lee	Smith (Lee)
Bowen, L. K.	Goodwyn	LeMaistre	Snodgrass
Burns	Graves	Letson	Sollie
Burton	Grove	Long	Stewart (Calhoun)
Calloway	Guy	Love	Tiller
Coleman	Hatter	Luck	Tyson
Cook	Hawkins	McGowen	Verner
Culver	Henley	Melton	Wall
Deloney	Henson	Moorer	Walton
Dickinson	Hodgson	Nichols	Mrs. Wilkins
Dowdle			

And the bill,

H. 601. To make appropriations for the promotion of vocational education in agriculture, trades and industries, and home economics in co-operation with the Federal Board for Vocational Education or otherwise.

As amended, was read a third time at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Létson	Sanders (Pike)
Adams	Fanning	Long	Sessions
Adcock	Ferrell	Luck	Smith (Clay)
Allen	Fite	Melton	Smith (Lee)
Arrington	Forman	Moorer	Snodgrass
Ashcraft (Fayette)	Goodwyn	Moxley	Sollie
Bealle	Grove	Nichols	Stewart (Calhoun)
Blackwell	Hatter	Norman	Thompson (Etowah)
Bowen, Lewis	Henson	Odom	Thompson (Jackson)
Bowen, L. K.	Hodgson	Patterson	Tiller
Boykin	Howard	Posey	Tyson
Burns	Howze	Powell	Walker
Calloway	Jeter	Ringer	Wall
Cato	Jones	Rives	Ware
Cook	Lee	Rountree	Mrs. Wilkins
Culver	LeMaistre	Sanders (Conecuh)	Young

—64

And the bill was ordered sent to the Senate without engrossment.

H. 778 (with amendment). To make an appropriation to the State Board of Education for executive, supervisory and clerical purposes in the administration of the State Department of Education.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Ways, Means and Appropriations, said Committee amendment being as follows:

To Section 1 of a bill to be entitled an Act to make appropriation to the State Board of Education for executive and business administration, etc.

That Section 1 be amended by striking out the amount thirty thousand dollars (\$30,000) where it appears in Section 1 and inserting seventeen thousand five hundred dollars (\$17,500).

And the amendment was adopted.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Allen	Bowen, L. K.	Burton
Adams	Ashcraft (Lauderd'l)	Boykin	Byars
Adcock	Bealle	Burns	Calloway

Cato	Hawkins	Nichols	Smith (Lee)
Christian	Henley	Norman	Snodgrass
Culver	Henson	Odom	Sollie
Deloney	Hodgson	Parker	Stewart (Bibb)
Dowdle	Howard	Patterson	Stewart (Calhoun)
Fanning	Hubbard	Poole	Thompson (Jackson)
Ferrell	Jeter	Posey	Verner
Forman	Jones	Ringer	Walker
Glover	Lee	Rountree	Wall
Goodwyn	LeMaistre	Sanders (Pike)	Walton
Graves	Letson	Sessions	Mrs. Wilkins
Grove	Long	Smith (Clay)	Williams
Guy	Luck	Smith (Jefferson)	Young
Hatter	Moorer		

66

And the bill,

H. 778. To make an appropriation to the State Board of Education for executive, supervisory and clerical purposes in the administration of the State Department of Education.

As amended, was read a third time at length and passed.

Yeas, 61; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Jones	Sessions
Adams	Dowdle	Kilborn	Smith (Clay)
Adcock	Fanning	Kilpatrick	Smith (Lee)
Allen	Fite	Lee	Snodgrass
Ashcraft (Fayette)	Gaines	Letson	Sollie
Ashcraft (Lauderd'l)	Glover	Luck	Stewart (Calhoun)
Bealle	Goodwyn	Moorer	Thompson (Etowah)
Bowen, L. K.	Grove	Nichols	Thompson (Jackson)
Boykin	Hatter	Norman	Tunstall
Burns	Henson	Odom	Verner
Burton	Hodgson	Posey	Wall
Byars	Howard	Ringer	Walton
Calloway	Howze	Rountree	Ware
Cato	Hubbard	Sanders (Conecuh)	Mrs. Wilkins
Christian	Jeter	Sanders (Pike)	Young
Culver			

—61

And the bill was ordered sent to the Senate without engrossment.

S. 416. To make appropriations to the Alabama Technical Institute and College for Women, the University of Alabama and the Alabama Polytechnic Institute.

Was taken up. Mr. Hubbard offered the following amendment to the bill:

Amend the title and Section 1 by striking out the words Alabama Technical Institute and College for Women and inserting in lieu thereof the words "Alabama College."

And the amendment was adopted.

Yeas, 65; nays, 2.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Long	Smith (Jefferson)
Adams	Fanning	Luck	Smith (Lee)
Adcock	Fite	Melton	Snodgrass
Allen	Glenn	Moorer	Sollie
Ashcraft (Fayette)	Grove	Moxley	Stewart (Calhoun)
Ashcraft (Lauderdl)	Hatter	Parker	Tiller
Bealle	Henley	Patterson	Tunstall
Blackwell	Hodgson	Poole	Tyson
Bowen, Lewis	Holcombe	Posey	Verner
Bowen, L. K.	Howard	Powell	Walker
Boykin	Howze	Ringer	Wall
Burns	Hubbard	Rives	Walton
Byars	Jeter	Rountree	Ware
Calloway	Jones	Sanders (Pike)	Mrs. Wilkins
Cato	Kilpatrick	Sessions	Williams
Cook	Letson	Smith (Clay)	Young
Culver			

—65

Nays: Messrs. Coleman and Forman—2.

And the bill,

S. 416. To make appropriations to the Alabama Technical Institute and College for Women, the University of Alabama and the Alabama Polytechnic Institute.

As amended, was read a third time at length and passed.

Yeas, 56; nays, 2.

Yeas:

Messrs:

Mr. Speaker	Embry	Kilpatrick	Rountree
Adams	Fanning	LeMaistre	St. John
Adcock	Goode	Letson	Sessions
Allen	Goodwyn	Luck	Smith (Clay)
Ashcraft (Fayette)	Graves	McGowen	Smith (Jefferson)
Ashcraft (Lauderdl)	Grove	Melton	Smith (Lee)
Bealle	Hatter	Moorer	Sollie
Bowen, Lewis	Henley	Moxley	Stewart (Calhoun)
Bowen, L. K.	Howard	Nichols	Tiller
Burns	Howze	Odom	Tyson
Byars	Hubbard	Posey	Verner
Cato	Jeter	Powell	Ware
Christian	Jones	Ringer	Mrs. Wilkins
Culver	Kilborn	Rives	Young

—56

Nays: Messrs. Cook and Long—2.

H. 753 (with amendment). To amend Section 3 of Article 2, Section 2 of Article 3, Section 24 of Article 3, Section 5 of Article 8, Article 12 by adding Section 5½, Section 8 of Article 12, Section 5 of Article 15, Section 3 of Article 18, Section 3 of Article 20, Section 2 of Article 24, Section 7 of Article 24, Section 10 of Article 24, and Section 2 of Article 40 of an Act entitled "An Act

to provide a complete educational system for the State of Alabama * * *," approved September 26, 1919.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Education, said Committee amendment being as follows:

Committee Amendment. To amend Section 3 of Article 18 of House Bill 753 by adding the following:

Provided further, that in construing this section as amended the word school building shall be interpreted to include teachers' homes, and that county boards of education may, at their discretion, use part of the rural schoolhouse funds belonging to their counties in erecting and repairing teachers' homes on the same conditions that aid is granted by this section in erecting and repairing school buildings.

The maximum amount for which application is made in the erection of a teacher's home cannot exceed six hundred dollars (\$600.00) for a home of five (5) rooms, seven hundred dollars (\$700.00) for a home of six (6) rooms, eight hundred dollars (\$800.00) for a home of seven (7) rooms and nine hundred dollars (\$900.00) for a home of (8) rooms.

The maximum amount for which application is made in the repair of a teacher's home shall not exceed five hundred dollars (\$500.00) provided that no application in the repair of a teacher's home of less than fifty dollars (\$50.00) shall be considered.

In the granting of aid in the erection of a teachers' home under the provisions of this section the word "room" shall not be interpreted to include pantries or closets.

When aid is granted in the erection of a teachers' home it shall be on plans prepared by the State Department of Education, and when aid is granted in the repairing of a teachers' home it shall be on plans approved by the State Department of Education.

And the amendment was adopted.

Yeas, 40; nays, 31.

Yeas:

Messrs:

Mr. Speaker	Culver	Hubbard	Smith (Jefferson)
Adams	Embry	Jeter	Smith (Lee)
Adcock	Fanning	Jones	Snodgrass
Ashcraft (Fayette)	Fite	Letson	Stewart (Calhoun)
Ashcraft (Lauderdl')	Glenn	McGowen	Varnier
Bealle	Goode	Moorer	Verner
Bowen, Lewis	Goodwyn	Nichols	Walker
Burns	Grove	Odom	Wall
Cato	Holcombe	Rives	Walton
Cook	Howard	Smith (Clay)	Young

Nays:

Messrs:

Allen	Coleman	Henson	Ringer
Blackwell	Dickinson	Hodgson	St. John
Bowen, L. K.	Dowdle	Kilborn	Sanders (Pike)
Boykin	Forman	LeMaistre	Sessions
Burton	Glover	Love	Stewart (Bibb)
Byars	Guy	Norman	Thompson (Etowah)
Calloway	Hall	Parker	Thompson (Jackson)
Christian	Hatter	Posey	—31

Mr. Stewart of Bibb offered the following amendment to the bill:

Amend by adding Section 16 as follows:

Section 16. The county board of education, subject to the rules and regulations of the State Board of Education, shall cause to be taken, under the direction of the county superintendent of education, a biennial school census of the children in the county between the ages of seven (7) and twenty-one (21) inclusive, to be taken in July 1920, and every two years thereafter, and the county superintendent of education, upon the direction at any time of the State Superintendent of Education, shall cause the whole or any part of any school census in his county to be retaken.

On motion of Mr. Bealle the amendment offered by Mr. Stewart of Bibb was laid upon the table.

And the bill,

H. 753. To amend Section 3 of Article 2, Section 2 of Article 3, Section 24 of Article 3, Section 5 of Article 8, Article 12 by adding Section 5 $\frac{1}{2}$, Section 8 of Article 12, Section 5 of Article 15, Section 3 of Article 18, Section 3 of Article 20, Section 2 of Article 24, Section 7 of Article 24, Section 10 of Article 24, and Section 2 of Article 40 of an Act entitled "An Act to provide a complete educational system for the State of Alabama * * *," approved September 26, 1919.

As amended, was read a third time at length and passed.

Yeas, 66; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Burton	Goode	Jones
Adams	Cato	Goodwyn	Letson
Adcock	Cook	Graves	Luck
Allen	Culver	Grove	McDaniel
Ashcraft (Fayette)	Deloney	Hatter	McGowen
Ashcraft (Lauderdl)	Dowdle	Hodgson	Moorer
Bealle	Embry	Hornsby	Nichols
Bowen, Lewis	Fanning	Howard	Norman
Bowen, L. K.	Fite	Howze	Odom
Boykin	Forman	Hubbard	Parker
Burns	Glenn	Jeter	Patterson

Pickens	St. John	Snodgrass	Varner
Poole	Sanders (Pike)	Stewart (Calhoun)	Walker
Posey	Sessions	Tiller	Mrs. Wilkins
Ringer	Smith (Clay)	Tunstall	Williams
Rives	Smith (Jefferson)	Tyson	Young
Rountree	Smith (Lee)		

—66

Nays: Mr. Glover—1.

And the bill was ordered sent to the Senate without engrossment.

H. 481. To authorize boards of revenue or courts of county ~~commissioners to make appropriations to county boards of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational training.~~

Was read a third time at length and passed.

Yeas, 47; nays, 13.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Jones	Smith (Jefferson)
Adams	Fanning	Kilpatrick	Smith (Lee)
Adcock	Fite	LeMaistre	Snodgrass
Allen	Goodwyn	Letson	Sollie
Ashcraft (Fayette)	Grove	Luck	Stewart (Calhoun)
Bowen, L. K.	Guy	Moorer	Thompson (Etowah)
Boykin	Hatter	Nichols	Tyson
Burns	Henley	Odom	Wall
Byars	Hodgson	Patterson	Walton
Calloway	Holcombe	Posey	Mrs. Wilkins
Cato	Howze	Sessions	Young
Culver	Hubbard	Smith (Clay)	

—47

Nays:

Messrs:

Bealle	Henson	Long	Sanders (Conecuh)
Burton	Jeter	Moxley	Sanders (Pike)
Cook	Lee	Norman	Verner
Glover			

—13

And the bill was ordered sent forthwith to the Senate without engrossment.

H. 566 (with amendment). To make an appropriation for the erection, repair and equipment of rural school buildings and to provide for its apportionment.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Ways, Means and Appropriations, said Committee amendment being as follows:

To Section 1 of a bill to be entitled an Act to make appropriation for the erection, repair and equipment of rural school buildings, etc.

That the following amendment be added to Section 1 and made a part of the last sentence of this section:

"Provided that of the above appropriation amounting to three hundred seventy-five thousand, two hundred dollars annually, only two hundred twenty-one thousand, five hundred dollars (\$221,500) annually shall be available for the purposes set out in this Act until the proceeds of the proposed constitutional four mill tax have been made available for the support of the public schools, including the normal schools, and for the support of the institutions of higher learning."

Mrs. Wilkins offered the following substitute for the bill and amendment:

A BILL.

To be entitled an Act to make an appropriation for the erection, repair and equipment of rural school buildings and to provide for its apportionment.

Be it enacted by the Legislature of Alabama:

Section 1: That Two Hundred Twenty-One Thousand Five Hundred (\$221,500) Dollars now provided by law for the erection, repair and equipment of school buildings is hereby appropriated annually out of any monies in the State Treasury not otherwise appropriated (the sum of \$3305.96 to each county for the erection, repair and equipment of school buildings), provided that out of the above total appropriation the State Board of Education shall on the first day of October of each year, or as soon thereafter as practical, set aside such an amount as may be deemed necessary to procure proper supervision and expert assistants in the drafting of plans and making specifications, in the preparation of estimates and bills of materials, in the inspection of buildings and for such other expenses incident thereto as are deemed necessary, and the remainder shall be apportioned equally among the several counties of the State.

Section 2. That on September first of each year, all counties which have not exhausted their appropriations shall contribute out of their unexpended balance amounts sufficient to cover the applications on file from those counties which have exhausted their appropriations, each county which has an unexpended balance contributing from such balance to the total amount of excess applications in the same proportion that the total of the excess applications bears to the total of unexpended balances. If there are sufficient funds to pay all excess applications it shall be done, otherwise the funds available shall be pro-rated among the counties having excess applications on file.

Section 3. That on the first day of October, 1923, and annually thereafter, the total of any unexpended balances remain-

ing to the credit of the counties, together with any unexpended balance of the amount set aside as provided in Section 1, shall together with the annual appropriation provided for in this Act, be apportioned equally among all the counties of the State, and such apportionments shall be certified to the State Auditor.

Section 4. That all funds appropriated under this Act shall be drawn and disbursed as provided by law.

Section 5. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

And the substitute was adopted.

Yeas, 62; nays, 0.

Yeas:

Messrs:

Adams	Dowdle	Jeter	Smith (Clay)
Adcock	Dunwoody	Kilborn	Smith (Lee)
Allen	Fanning	Letson	Snodgrass
Ashcraft (Lauderdl.)	Fite	Luck	Sollie
Bealle	Gaines	McGowen	Stewart (Calhoun)
Bowen, Lewis	Glenn	Melton	Thompson (Jackson)
Bowen, L. K.	Glover	Moorer	Tiller
Boykin	Goode	Nichols	Tyson
Burns	Goodwyn	Norman	Varner
Burton	Graves	Odom	Verner
Cato	Grove	Poole	Walker
Coleman	Henson	Ringer	Wall
Cook	Hodgson	Rives	Mrs. Wilkins
Culver	Hornsby	Sanders (Conecuh)	Williams
Deloney	Howze	Sanders (Pike)	Young
Dickinson	Hubbard		

—62

And the bill,

H. 566. To make an appropriation for the erection, repair and equipment of rural school buildings and to provide for its apportionment.

As amended by the substitute, was read a third time at length and passed.

Yeas, 69; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Byars	Gaines	Jones
Adams	Cato	Glover	Letson
Adcock	Christian	Goode	Luck
Allen	Coleman	Goodwyn	McGowen
Ashcraft (Fayette)	Cook	Grove	Moorer
Ashcraft (Lauderdl.)	Culver	Hatter	Moxley
Bealle	Deloney	Henson	Nichols
Blackwell	Dickinson	Hodgson	Norman
Bowen, Lewis	Dowdle	Holcombe	Odom
Bowen, L. K.	Dunwoody	Howard	Poole
Boykin	Embry	Howze	Ringer
Burns	Fanning	Hubbard	Rountree
Burton	Fite	Jeter	St. John

Smith (Clay)	Sollie	Tyson	Wall
Sanders (Pike)	Stewart (Calhoun)	Varnier	Mrs. Wilkins
Smith (Jefferson)	Tiller	Verner	Williams
Smith (Lee)	Tunstall	Walker	Young
Snodgrass			

—69

And the bill was ordered sent to the Senate without engrossment.

RECESS.

The hour of 5:30 having arrived, under the rules of the House, the House recessed until 8 o'clock P. M.

NIGHT SESSION.

The hour of eight o'clock having arrived, the House reconvened.

RESOLUTION.

The following resolution was introduced:

By Mr. L. K. Bowen:

H. J. R. 217. Whereas it has been discovered that House Bill No. 591, same being a local bill affecting Birmingham, Alabama, contains provisions which were not known at the time of the passage of said bill and whereas the said provisions are such that had they been known at the time of the passage of said bill the members of the Jefferson County delegation would not have supported said bill, therefore be it resolved by the House the Senate concurring that said bill be and the same is hereby recalled from the Senate for further consideration by this body.

On motion of Mr. L. K. Bowen the rules were suspended and the resolution was adopted.

BILLS ON SECOND READING.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 25. To provide for the completion of the topographical survey and map of the State of Alabama.

S. 389. To provide and submit to the qualified electors of the State of Alabama, at an election to be held on the first Monday after the lapse of six (6) months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed, an amendment to the Constitution

of the State of Alabama, limiting the indebtedness of cities, towns and municipal corporations, by amending Section 225 of said Constitution.

The above bill, S. 389, was read a second time at length.

S. 432. To amend Section 1 of an Act entitled an Act to provide for the appointment of deputy registers and deputy clerks for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputies—approved October 1, 1920.

S. 449. To provide and submit to the qualified electors of the State of Alabama at an election to be held at the next general election at which this amendment is proposed, an amendment to the Constitution of the State of Alabama, whereby the following municipal corporations, Thorsby, Alabama City, Florala and Opp, Evergreen and Fayette, Clayton and Clio, in the State of Alabama, may levy and collect a rate of taxation on the property situated therein not exceeding in the total in any one year one and one-half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporations shall not in any one year exceed one (1) per centum, unless the rate in excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipal corporations, respectively, at elections to be held by them from time to time for such purposes and to provide for such elections.

The above bill, S. 449, was read a second time at length.

S. 179. To provide for the rendition of declaratory judgments and decrees.

S. 259. To prevent any person who hires or obtains from another for any lawful purpose or rents an automobile from taking or removing same or causing or allowing same to be taken or removed out of the State of Alabama without the consent of the owner, not intending to return same to its owner; providing punishment therefor; and providing that such taking or removal from the State of Alabama shall be prima facie evidence of the intent not to return same to its owner.

S. 311. To regulate the practice in equity cases in the matter of a objection to and consideration of testimony.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

S. 390. To provide and submit to the qualified electors of the State of Alabama, at an election to be held on the first Mon-

day after the lapse of six (6) months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed, an amendment to the Constitution of the State of Alabama, authorizing the levy of taxes by cities and towns.

The above bill, S. 390, was read a second time at length.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report with substitute:

H. 100 (with substitute). To prohibit any public officer of this State from receiving any salary, allowances, fees or compensation other than, over and above that prescribed by law as the salary of the chief office to which such officer may have been or may hereafter be elected or appointed; to prevent the increase in compensation of such officer during their terms of office; and to provide a penalty for the violation of this act.

H. 901 (with substitute). To create the office of an additional Judge of the Circuit Court in all counties now or hereafter having a city with a population of more than one hundred thousand, according to the last or any subsequent Federal census, to provide for the powers, jurisdiction, authority and duties, salary and manner of payment of salary of such additional judge.

The above and foregoing bills were severally read a second time and placed on the Calendar.

BILL REPORTED ADVERSELY.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 994. To require automobile mechanics, garage keepers and operators and all other persons, firms and corporations, engaged in the business of repairing automobiles and other motor vehicles, to publish and display in a prominent place in the place of business of such person, firm or corporation, a schedule of rates and charges by such person, firm or corporation for work and labor upon such automobiles and other motor vehicles, and to provide a penalty for a violation of the provisions of this Act.

BILLS ON THIRD READING.

H. 567 (with amendment). To amend Section 6 of an Act entitled "An Act to provide for the acceptance of the benefits of an Act by the Senate and House of Representatives of the United States of America in Congress assembled, (H. R. 4438, approved

June 2, 1920) entitled 'An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment; to provide for the administration of same, and to make appropriations for these purposes. * * *,' approved October 6, 1920.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Ways, Means and Appropriations, said committee amendment being as follows:

To Section 1 of a bill to be entitled an Act to amend Section 6, etc.

That the following be added to Section 6:

"Provided that the ten thousand dollars (\$10,000) set out in the foregoing shall not be available until the proceeds of the proposed constitutional four mill tax have been made available for the support of the public schools, including the normal schools, and for the support of the institutions of higher learning."

On motion of Mrs. Wilkins, the amendment was laid upon the table.

Mrs. Wilkins offered the following substitute for the bill:

A BILL.

To be entitled an Act to amend Section 6 of an Act entitled "An Act to provide for the acceptance of the benefits of an Act by the Senate and House of Representatives of the United States of America in Congress assembled (H. R. 4438, approved June 2, 1920) entitled 'An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment,' to provide for the administration of same, and to make appropriations for these purposes: * * * approved October 6, 1920.

Be it enacted by the Legislature of Alabama:

Section 1: That Section 6 of an Act entitled "An Act to provide for the acceptance of the benefits of an Act by the Senate and House of Representatives of the United States of America in Congress assembled, (H. R. 4438, approved June 2, 1920) entitled 'An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment,' to provide for the administration of same, and to make appropriations for these purposes * * * approved October 6, 1920, be amended so as to read as follows:

Section 6: For the purpose of this Act there is hereby appropriated out of any monies in the State Treasury not otherwise appropriated the sum of twenty-two thousand three hundred and five dollars and fifty-six cents (\$22,305.56), annually beginning

October 1, 1923, and for each year thereafter; provided that of this appropriation the sum of ten thousand dollars (\$10,000.00) or as much thereof as may be needed shall be available to assist when necessary in the maintenance of disabled persons while in training.

And the substitute was adopted.

Yeas, 63; nays, 2.

Yeas:

Messrs:

Mr. Speaker	Elliott	Jones	Smith (Clay)
Adcock	Embry	Kilborn	Smith (Lee)
Allen	Fanning	Kilpatrick	Snodgrass
Ashcraft (Fayette)	Ferrell	Lee	Sollie
Ashcraft (Lauderda ^e)	Fite	LeMaistre	Stewart (Biob)
Bealle	Glenn	Letson	Stewart (Calhoun)
Bowen, Lewis	Goode	McGowen	Thompson (Jackson)
Bowen, L. K.	Grove	Melton	Tyson
Boykin	Guy	Moorer	Verner
Burns	Hatter	Nichols	Walker
Byars	Hawkins	Patterson	Wall
Calloway	Hodgson	Ringer	Walton
Cato	Howard	Rives	Ware
Culver	Howze	St. John	Mrs. Wilkins
Deloney	Hubbard	Sanders (Pike)	Williams
Dowdle	Jeter	Sessions	Young

—63

Nays: Messrs. Cook and Henson—2.

And the bill,

H. 567. To amend Section 6 of an Act entitled "An Act to provide for the acceptance of the benefits of an Act by the Senate and House of Representatives of the United States of America in Congress assembled, (H. R. 4438, approved June 2, 1920) entitled 'An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment; to provide for the administration of same, and to make appropriations for these purposes. * * *,' approved October 6, 1920.

As amended, was read a third time at length and passed.

Yeas, 60; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Cato	Goode	Jeter
Adcock	Christian	Goodwyn	Jones
Allen	Culver	Grove	Kilpatrick
Ashcraft (Fayette)	Deloney	Hatter	LeMaistre
Ashcraft (Lauderda ^e)	Dowdle	Henson	Letson
Bealle	Dunwoody	Hodgson	Long
Bowen, L. K.	Fanning	Howard	Luck
Burns	Fite	Howze	McGowen
Burton	Glenn	Hubbard	Melton

Patterson	Sanders (Conecuh)	Stewart (Calhoun)	Walker
Posey	Smith (Clay)	Thompson (Jackson)	Wall
Powell	Smith (Lee)	Tunstall	Walton
Ringer	Snodgrass	Tyson	Ware
Rives	Sollie	Varner	Mrs. Wilkins
St. John	Stewart (Bibb)	Verner	Williams

—60

Nays: Mr. Guy—1.

And the bill was ordered sent to the Senate without engrossment.

H. 563 (with amendment). To make an appropriation for the maintenance of County High Schools and for high school supervision.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Ways, Means and Appropriations, said committee amendment being as follows:

To Section 1 of a bill entitled an Act to make appropriation for the maintenance of county high schools, etc.

That the following be added to Section 1 and made a part of the last sentence: "and provided further, that only fifteen hundred dollars (\$1,500) of the conditional appropriation shall be available annually to each of the county high schools until the proceeds of the proposed constitutional four mill tax have been made available for the support of the public schools, including the normal schools, and for the support of the institutions of higher learning."

On motion of Mrs. Wilkins the amendment reported by the committee was laid upon the table.

Mrs. Wilkins offered the following substitute for the bill:

A BILL.

To be entitled an Act to make an appropriation for the maintenance of County High Schools and for high school supervision.

Be it enacted by the Legislature of Alabama:

Section 1: That there is hereby appropriated annually out of any monies in the State Treasury not otherwise appropriated the sum of two hundred ten thousand (\$210,000) dollars to meet the regular annual appropriation to each county high school, and the conditional appropriation of one hundred thousand five hundred (\$100,500) dollars to meet the conditional annual appropriation of \$1,500.00 to each county high school, these appropriations to be expended as provided in Article 24 of the School Code (Act approved September 26, 1919), provided that the State Board of Education is authorized to use annually so much of the above appropriations as may be deemed necessary for the proper supervision and inspection of the high schools of the State.

Section 2: That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

And the substitute was adopted.

Yeas, 63; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Hornsby	Ringer
Adcock	Dunwoody	Howard	Rives
Allen	Elliott	Hubbard	St. John
Ashcraft (Lauderdl.)	Embry	Jeter	Sessions
Bealle	Fanning	Jones	Smith (Clay)
Bowen, Lewis	Fite	Kilborn	Smith (Lee)
Bowen, L. K.	Gaines	Kilpatrick	Sollie
Boykin	Glenn	Lee	Thompson (Jackson)
Burns	Glover	LeMaistre	Tyson
Burton	Goode	Letson	Varner
Byars	Goodwyn	Long	Verner
Calloway	Grove	Luck	Walker
Cook	Hampton	McGowen	Wall
Culver	Hatter	Melton	Ware
Deloney	Henson	Patterson	Mrs. Wilkins
Dickinson	Hodgson	Posey	

—63

And the bill,

H. 563. To make an appropriation for the maintenance of County High Schools and for high school supervision.

As amended by the substitute offered by Mrs. Wilkins, was read a third time at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Hodgson	Patterson
Adcock	Deloney	Howard	Posey
Allen	Dowdle	Howze	Ringer
Ashcraft (Fayette)	Dunwoody	Hubbard	Rives
Ashcraft (Lauderdl.)	Embry	Jeter	St. John
Bealle	Fanning	Jones	Sanders (Pike)
Blackwell	Ferrell	Kilpatrick	Sessions
Bowen, Lewis	Fite	Lee	Smith (Lee)
Bowen, L. K.	Glenn	LeMaistre	Stewart (Calhoun)
Boykin	Goode	Letson	Thompson (Jackson)
Burns	Goodwyn	Long	Tyson
Burton	Grove	Luck	Verner
Byars	Hampton	McGowen	Walker
Calloway	Hatter	Melton	Wall
Cato	Hawkins	Moxley	Ware
Cook	Henson	Nichols	Mrs. Wilkins

—64

And the bill was ordered sent to the Senate without engrossment.

H. 895. To amend section 49 of an Act entitled "An Act to enlarge the authority, powers and jurisdiction of the Alabama

Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operations of public utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders, and penalties for failure to comply with the orders of the commission or with the provisions of this Act," approved October 1, 1920, known as the ~~Alabama Public Utility Act of 1920.~~

Was taken up. On motion of Mr. Glenn the bill, H. 895, was indefinitely postponed.

H. 782. To provide further for appropriations to the State Board of Health for the purpose of promoting further the public health of the State and the several counties thereof.

Was taken up. Mr. Tunstall offered the following substitute for the bill:

A BILL.

To be entitled an Act to provide further for appropriations to the State Board of Health for the purpose of promoting further the public health of the State and the several counties thereof.

Be it enacted by the Legislature of Alabama:

Section 1. In addition to any and all other appropriations now made or to be hereafter made there is hereby appropriated annually the sum of \$55,000.00 for the public health work of the State of Alabama, which sum shall be known as the county organization fund and shall be available October 1, 1923; and shall be used as a State Aid Fund for the organization and the promotion of public health work in the several counties of the State. This fund shall be available to any county whenever such county shall make an appropriation of an adequate sum of money to be approved by the State Board of Health in an amount necessary to do effective work. All counties which shall be found organized for this work on October 1, 1923, may share in this appropriation from that date. The several counties shall be selected and designated by the State Board of Health; and the sum of \$2,500.00 shall be expended in each county designated through the County Board of Health by the State Board of Health, or under its direction by its executive officer. Any county failing to comply with the rules prescribed by the State Board of Health at any time before or after being organized shall forfeit its right to share in this fund. All of said sums of money having been

appropriated shall be paid in monthly installments to the State Health Officer on his requisition approved by the Governor and through warrants by the Auditor on the State Treasurer.

Mr. Long offered the following amendment to the substitute offered by Mr. Tunstall:

Amend by striking out the figures \$55,000.00 where they appear in substitute and inserting in lieu thereof the figures \$33,500.00.

Also strike out the figures \$2,500.00 where they appear and insert in lieu thereof the figures \$500.00.

And the amendment offered by Mr. Long was lost.

Yeas, 31; nays, 51.

Yeas:

Messrs:

Adcock	Fite	Love	Smith (Clay)
Boykin	Forman	Melton	Snodgrass
Burton	Glover	Nichols	Sollie
Byars	Guy	Parker	Stewart (Bibb)
Cook	Hall	Ringer	Thompson (Etowah)
Dowdle	Henson	Rives	Thompson (Jackson)
Dunwoody	Hornsby	Sanders (Pike)	Ware
Ferrell	Long	Sessions	

—31

Nays:

Messrs:

Mr. Speaker	Gaines	Kilborn	Smith (Jefferson)
Allen	Glenn	Lee	Smith (Lee)
Ashcraft (Fayette)	Goode	LeMaistre	Stewart (Calhoun)
Ashcraft (Lauderdl.)	Goodwyn	Letson	Tiller
Bealle	Grove	Luck	Tunstall
Bowen, Lewis	Hampton	McDaniel	Tyson
Burns	Henley	McGowen	Varner
Calloway	Hodgson	Moorer	Verner
Cato	Holcombe	Moxley	Walker
Culver	Howard	Odom	Wall
Elliott	Howze	Patterson	Mrs. Wilkins
Embry	Hubbard	Powell	Williams
Fanning	Jones	Rountree	

—51

PAIR ANNOUNCED.

Mr. Hubbard announced that he was paired with Mr. Poole. If Mr. Poole were present he would vote nay, and Mr. Hubbard would vote yea.

And the substitute offered by Mr. Tunstall was adopted.

Yeas, 54; nays, 20.

Yeas:

Messrs:

Mr. Speaker	Ashcraft (Lauderdl.)	Calloway	Embry
Allen	Bealle	Christian	Fanning
Arrington	Bowen, Lewis	Cook	Gaines
Ashcraft (Fayette)	Burns	Elliott	Glenn

Goode	Kilborn	Odom	Tiller
Goodwyn	Kilpatrick	Patterson	Tunstall
Grove	Lee	Posey	Tyson
Hampton	LeMaistre	Powell	Varner
Henson	Letson	Rountree	Verner
Hodgson	Luck	St. John	Walker
Holcombe	McDaniel	Smith (Jefferson)	Wall
Howard	McGowen	Smith (Lee)	Mrs. Wilkins
Howze	Moorer	Stewart (Calhoun)	Williams
Jones	Moxley		

—54

*Nays:**Messrs:*

Adcock	Dunwoody	Nichols	Snodgrass
Boykin	Glover	Parker	Sollie
Burton	Long	Rives	Thompson (Etowah)
Byars	Love	Sanders (Pike)	Thompson (Jackson)
Dowdle	Melton	Smith (Clay)	Ware

—20

PAIR ANNOUNCED.

The following pair was announced:

Yea:

Mr. Hubbard

Nay:

Mr. Poole

And the bill,

H. 782. To provide further for appropriations to the State Board of Health for the purpose of promoting further the public health of the State and the several counties thereof.

As amended by the substitute offered by Mr. Tunstall, was read a third time at length and passed.

Yeas, 54; nays, 19.

*Yeas:**Messrs:*

Mr. Speaker	Elliott	Jones	Rountree
Allen	Embry	Kilborn	St. John
Arrington	Fanning	Kilpatrick	Smith (Lee)
Ashcraft (Fayette)	Gaines	Lee	Stewart (Calhoun)
Ashcraft (Lauder ^{***})	Glenn	LeMaistre	Tiller
Bealle	Goode	Letson	Tunstall
Bowen, Lewis	Goodwyn	Luck	Tyson
Boykin	Grove	McDaniel	Varner
Burns	Hampton	McGowen	Verner
Calloway	Henson	Moorer	Walker
Cato	Hodgson	Odom	Wall
Christian	Holcombe	Patterson	Mrs. Wilkins
Coleman	Howard	Powell	Williams
Cook	Howze		

—54

*Nays:**Messrs:*

Adcock	Glover	Nichols	Snodgrass
Burton	Guy	Parker	Sollie
Byars	Long	Rives	Thompson (Jackson)
Dowdle	Love	Sanders (Pike)	Ware
Dunwoody	Melton	Smith (Clay)	

—19

PAIR ANNOUNCED.

The following pair was announced:

Yea: Mr. Hubbard. Nay: Mr. Poole.

And the bill H. 782 was ordered sent forthwith to the Senate without engrossment.

ADJOURNMENT.

On motion of Mr. Long, the House adjourned until 10 o'clock tomorrow morning.

FORTY-FIFTH DAY.

House of Representatives,
Friday, Sept. 14th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Briscoe of the city of Montgomery.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:

Mr. Speaker	Dickinson	Henson	Moxley
Adams	Dowdle	Hodgson	Nichols
Adcock	Dunwoody	Holcombe	Norman
Allen	Elliott	Hornsby	Odom
Arrington	Embry	Howard	Parker
Ashcraft (Fayette)	Fanning	Howze	Patterson
Ashcraft (Lauderd'l)	Ferrell	Hubbard	Pickens
Bealle	Fite	Jeter	Poole
Blackwell	Forman	Jones	Posey
Bowen, Lewis	Gaines	Kilborn	Powell
Bowen, L. K.	Glenn	Kilpatrick	Ringer
Boykin	Glover	Lee	Rives
Burns	Goode	LeMaistre	Rountree
Burton	Goodwyn	Letson	Rutherford
Byars	Graves	Long	St. John
Calloway	Grove	Love	Sanders (Pike)
Cato	Guy	Luck	Sessions
Christian	Hall	McDaniel	Smith (Clay)
Coleman	Hampton	McGowen	Smith (Jefferson)
Cook	Hatter	Melton	Smith (Lee)
Culver	Hawkins	Mooneyham	Snodgrass
Deloney	Henley	Moorer	Sollie

Stewart (Bibb) Tiller
 Stewart (Calhoun) Tunstall
 Thompson (Etowah) Tyson
 Thompson (Jackson) Varner

Verner
 Walker
 Wall
 Walton

Ware
 Mrs. Wilkins
 Williams
 Young

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A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said committee has carefully examined the Journal of the House for the Forty-fourth Legislative Day, and finds same correct.

O. W. Melton,
 Chairman.

The report of the committee was concurred in and adopted and the Journal for the Forty-fourth Legislative Day was approved.

RECOMMITTAL OF BILL.

On motion of Mr. Luck,

S. 443. To empower and authorize the court of county commissioners or other board of like jurisdiction in any county in this State having a population of more than ninety-five thousand and not more than two hundred thousand inhabitants according to the last or any succeeding Federal census, to levy an excise tax on persons engaged in the business of selling or distributing gasoline or other liquid motor fuel in such county and to provide for the collection and payment of such tax, the deposit and safe keeping thereof and to provide the purposes for which said fund must be used after paying the necessary expenses of collecting, keeping and administering the same.

Was taken from the adverse calendar and recommitted to the Standing Committee on Local Legislation.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Long:

H. R. 218. Be it resolved by the House, That every State officer who lobbies with a Representative about legislation, that said Representative is hereby requested to report same to the House and it is herewith the sense of the House that said State officer so reported lobbying for any bill be penalized not less than \$50.00 for every such offense and that said sum or sums be collected by taking same from the appropriations of his office when it comes before the House.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Byars:

H. R. 219. Resolved, That House bill 829 be made a special, paramount and continuing order for the 46th legislative day immediately after report of standing committees.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Dowdle:

H. R. 220. Be it resolved by the House of Representatives, That House bill 227, for the relief of Thomas J. Hale of Reform, Pickens county, Alabama, to pay him the sum of \$500.00, shall be made a special order for the 46th legislative day immediately after the call of counties.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Cato:

H. R. 221. Resolved, That S. 295 to provide for issuing of bonds by municipalities be made a special, paramount order for the 46th legislative day.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Walton:

H. R. 222. Resolved, That S. 407, by Mr. Inzer, be made a special, paramount and continuing order for the forty-sixth legislative day.

And the resolution was referred to the Standing Committee on Rules.

By Mr. L. K. Bowen:

H. R. 223. Whereas, the calendar is full of local and general bills, and whereas the time for passing bills is short, therefore be it resolved, That the House adjourn at 11 P. M. until 2:30 P. M. and remain in session this P. M. from 2:30 P. M. until 5 P. M.

And the resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in the House amendment to the bill:

S. 416. To make appropriations to the Alabama College, the University of Alabama and the Alabama Polytechnic Institute.

Also:

S. 429. To amend an Act entitled: "An Act to amend sections 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6460, 6461, 6462, 6463, 6464, 6465 of the Code of Alabama, 1907, approved September 16, 1915.

J. E. Speight,
Secretary.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate standing committees as follows:
By Mr. Walton (with notice and proof):

H. 1050. To provide for the election of the county board of education of Chambers county, Alabama; to divide the county into districts from which shall be elected a member of such board by the electors of such district.

Local Legislation.

Notice and proof, H. 1050.

NOTICE.

Notice is hereby given that there will be introduced a bill in the present Legislature seeking to enact a law dividing Chambers county into four districts, and to provide for the election of a member of the county board of education from each district by the voters of that district, and elect one member of the county board of education at large.

W. O. Walton.
September 14, 1923.

D. G. O'Neal, bookkeeper for the LaFayette Sun, being duly sworn, deposes and says that the attached notices were published in the LaFayette Sun for four consecutive weeks dates Aug. 23 and 30, Sept. 6 and 14.

(Signed) D. G. O'Neal.

Sworn to and subscribed before me this 13th day of Sept., 1923.

(Seal)

O. C. Christian,
Notary Public.

By Mr. Wall (with notice and proof):

H. 1051. To establish a board of revenue for Limestone county, Alabama, and to abolish the court of county commissioners thereof, and to prescribe the duty and authority of said board of revenue.

Local Legislation.

Notice and proof, H. 1051:

NOTICE.

Notice is hereby given by the undersigned, George Duncan, Senator of the First District of Alabama, and Young Wall, Representative of Limestone county, Alabama, of their intention to apply to the Legislature of Alabama, now in session for the passage and enactment of a bill to establish a board of revenue for Limestone county, Alabama, and to abolish the board of county commissioners thereof and to prescribe the duty and authority of said board of revenue and which proposed bill is substantially as follows:

A BILL

To be entitled an Act to establish a board of revenue for Limestone county, Alabama, and to abolish the court of county commissioners thereof, and to prescribe the duty and authority of said board of revenue.

Be it enacted by the Legislature of Alabama:

1. There is hereby created and established "The Board of Revenue of Limestone County," to be composed of three members, one of whom shall be president of the board of revenue and all of whom shall be qualified voters of said county.

2. The court of county commissioners of said county as now constituted, is hereby abolished from and after the time this Act becomes effective and is put into operation, and there is hereby conferred upon the board of revenue, all jurisdiction and powers which are now, or may hereafter by law be vested in the courts of county commissioners, boards of revenue, or other like governing bodies of the several counties of this State.

3. The president of the board of revenue and the two associate members shall be appointed by the Governor and they shall hold office until the first Monday after the second Tuesday in January, 1929, and until their successors are elected and qualified. At the general election next preceding January 1, 1929, and thereafter every four years, under the general election laws, a successor to the said president of the board of revenue and the two associate members shall be elected from the county at large, and they shall hold office for a term of four years, and until their successors are elected and qualified.

4. The president of the board of revenue shall receive a salary of three thousand dollars per annum, payable monthly from the county treasury and the other two members of the board shall receive ten dollars per diem for each day such member is in attendance upon the meetings of the board, such compensation being payable from the county treasury, provided that no such member of the board, except the president thereof, shall receive compensation for his services in excess of five hundred dollars per annum.

5. The president of the board of revenue is required to give his entire time and attention to the business of the board of revenue; he shall be its presiding officer, and in addition to the rights, powers, and duties prescribed in this Act, he shall exercise and perform all other rights and duties in relation to the board of revenue, and shall be liable to the same penalties in connection therewith as are now exercised and performed by the judge of probate of Limestone county, in relation to the court of county commissioners. He shall issue warrants to all persons whose claims have been allowed by the board of revenue and in the same manner and under the same restrictions as same have been heretofore issued by the judge of probate of Limestone county.

6. Each member of the board of revenue is hereby required, before entering upon the duties of his office, to make and file the statutory oath of office, together with a bond with good and sufficient sureties, to be approved by the judge of probate of said county, payable to Limestone county, conditioned for the faithful performance of the duties of their respective offices, such oath and bond to be filed with the judge of probate of said county. The bond of the president of the board shall be fixed by the judge of probate of said county in a sum not less than ten thousand dollars, and the bonds of other two members of the board are hereby fixed at five thousand dollars each.

7. The board of revenue shall hold regular meetings on the first Monday in each month, and may hold special meetings at any time on the call of the president of the board, or of two members, entered in writing upon the minutes of the board.

8. The board of revenue shall have all the jurisdiction and powers conferred, or which may hereafter be conferred, upon the courts of county commissioners, boards of revenue, and other like governing bodies in the counties of this State, by the general laws of the State.

9. The president of the board of revenue and the other members thereof may be impeached or removed from office for misfeasance, malfeasance

or nonperformance of their duties, respectively, in the same manner as members of the court of county commissioners or boards of revenue are now removed or may hereafter be removed under the general laws of the State of Alabama; and in addition it is hereby expressly provided that upon the recommendation of a grand jury of said county it shall be the duty of the circuit solicitor, county solicitor or deputy solicitor to file impeachment proceedings against such member of board of revenue; and said proceedings may be conducted in the same manner as proceedings for the impeachment of justices of the peace under the general laws of the State of Alabama. Either method of impeachment, if the methods herein conflict, may be pursued and both methods may be employed simultaneously.

10. It shall be the duty of the president of said board of revenue to make a report to each regular term of the grand jury convened in said county showing generally the financial condition of said county and generally the conduct of the affairs of the county by said board of revenue. It shall be the duty of said president to present his books and records to said grand jury and to explain the same. Said grand jury shall embody in their report the report furnished them by the president of the board of revenue.

11. If any section, clause, provision, paragraph or part of paragraph or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction such holding shall not affect any other section, clause, provision, paragraph, or part or portion of this Act which is not of itself unconstitutional.

12. That all laws or parts of laws, general or local, in conflict with this Act be, and the same are hereby, expressly repealed.

13. It shall be the duty of said president of said board of revenue to have all books kept by said board and president thereof, audited by an expert, or certified accountant, every six months and to have a comprehensive and full report of the affairs and condition of the county of Limestone, as shown by all books in connection with the office of said board of revenue and the county engineer's work, published in all the newspapers published in Athens, Alabama, having a paid circulation of a thousand or more. Said newspapers are authorized to charge the legal rate for said publication as now authorized by the general law of Alabama for publication of reports by the counties of the State.

Said report shall be published as soon as practicable after the completion of each audit, every six months.

14. That this Act shall go into effect immediately upon its passage and approval by the Governor.

George Duncan,
Senator First District.
Young Wall,

Representative for Limestone County, Alabama.

The State of Alabama, }
Limestone County. }

Personally appeared before me, Fred Wall, a Notary Public in and for said county and State, R. M. Rawls, who, being by me duly sworn, deposes and says that he is the owner and publisher of the Alabama Courier, a weekly newspaper published at Athens, Alabama, in said county; that notice given by Geo. Duncan, Senator for the First District, and Young Wall, Representative from Limestone county, Alabama, of the intention to apply to the Legislature of Alabama, which convened July 10, 1923, for the passage and enactment of a bill, a true and correct copy of which is hereto attached, and which was published in said paper four consecutive weeks, commencing on the 15th day of August, 1923; that said publication was authorized by the said Geo. Duncan and Young Wall, and published without cost to the State of Alabama; that said attached Act with the intention to

apply to the Legislature for the passage of the same was published for four consecutive weeks, consecutively, as set out above, a true copy of which paper is hereto attached.

R. M. Rawls.

Sworn to and subscribed before me this the 12th day of September, 1923.
Fred Wall,
Notary Public.

By Mr. Blackwell (by request):

H. 1052. Prescribing qualifications for admission to examination by the board of dental examiners for certificate of authority to practice dentistry.

Public Health.

By Mr. Hubbard:

H. 1053. To prohibit owners, operators, or drivers, of automobiles, motor cars, or motor driven vehicles for hire in this State to permit persons of the white race and persons of the negro race to occupy seats in, ride in or upon said automobiles, motor cars, or motor driven vehicles for hire in this State at the same time or together.

Revision of Laws.

By Mr. Stewart of Calhoun:

H. 1054. To amend section 6577 of the Code of 1907.

Ways, Means and Appropriations.

By Mr. Powell (with notice and proof):

H. 1055. To repeal an Act entitled "An Act to provide for the creation of the office of county auditor of Walker county, Alabama, to define the powers and duties thereof, to provide for his compensation, to fix his term of office and prescribe the manner of his appointment and election," approved February 28, 1907.

Local Legislation.

Notice and proof, H. 1055:

State of Alabama, }
Walker County. }

Before me, the undersigned authority, a probate judge in and for said county, personally appeared L. S. Richardson, publisher of the Mountain Eagle, Jasper, Alabama, who being first duly sworn deposes and says that the attached notice of a proposed bill to abolish the office of auditor for Walker county, Alabama, has been published for four consecutive weeks in the Mountain Eagle, to-wit: May 30th, 1923; June 6th, 1923; June 13th, 1923; June 20th, 1923.

L. S. Richardson, Publisher.

Sworn to and subscribed before me this 13th day of September, 1923.

(Seal) E. W. Long,
Judge of Probate.

NOTICE.

Notice is hereby given that a bill will be introduced at the approaching session of the Alabama Legislature to repeal an Act entitled an Act "To provide for the creation of the office of county auditor of Walker county, Alabama, to define the powers and duties thereof, and to provide for his

compensation, to fix his term of office and prescribe the manner of his appointment and election," approved February 28, 1907; said repeal to take effect at the expiration of the term of office of the present incumbent.

E. W. Long.

BILLS ON SECOND READING.

Mr. Walker, chairman of the Standing Committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 1042. To provide jointly for the maintenance of schools in or near the dividing line of two or more counties.

H. 1044. To make it unlawful to use a motor vehicle on the public highways of the State not using a throttle or silencer of engine noise; to provide for conviction and punishment for a violation of this Act.

H. 1038. To regulate hotels, inns, lodging houses and boarding houses, and the keepers thereof; to confer jurisdiction, power and authority upon governing authorities of incorporated villages, towns and cities to perform the duties imposed on them hereunder; and to provide penalties for the violation of the provisions of this Act.

H. 1031. To fix the compensation of the county solicitors in all counties in the State having a population of not less than 28,000 and not more than 28,000 population, according to the last or any subsequent Federal census.

Mr. Luck, chairman of the Standing Committee on Local Legislation, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 1046. To abolish the court of county commissioners of Choctaw county, Alabama; to establish a board of revenue for said county; to provide for the appointment and election of the chairman and members thereof and to prescribe and limit their duties, powers and responsibilities and fix their compensation: to divide the county of Choctaw into four board of revenue districts; to provide a clerk for said board of revenue and to fix his duties and compensation, and to prescribe penalties for the violation of the provisions of this Act, and repeal all laws in conflict with the provisions of this Act.

H. 1047. To impose a per capita road tax in lieu of personal service on the public roads of Choctaw county, Alabama, to provide for the collection of such tax and the disposition of the proceeds thereof; to provide for the appointment of a road supervisor for said county; to provide for the appointment of road overseers; to authorize the appointment of a road engineer, and

to otherwise provide for the more efficient construction, maintenance and improvement of the public roads and bridges in said Choctaw county, Alabama.

S. 414. To amend section 1 of "An Act to provide for the more efficient working of the public roads in Mobile county, and certain streets and public thoroughfares in the city of Mobile; provide for the control, working, building, maintenance and improvement of the same by the board of revenue and road commissioners of Mobile county; to prescribe the duties and fix the authority of said board; to provide for the levy and collection of a road tax, and the method of disbursing moneys necessary to carry out the provisions of this Act and provide penalties for violations of its provision," which Act was approved August 2nd, 1907, which said proposed Act is as follows: An Act to amend section 1 of "An Act to provide for the more efficient working of the public roads in Mobile county, and certain streets and public thoroughfares in the city of Mobile; provide for the control, working, building, maintenance and improvement of the same by the board of revenue and road commissioners of Mobile county; to prescribe the duties and fix the authority of said board; to provide for the levy and collection of a road tax; and the method of disbursing moneys necessary to carry out the provisions of this Act, and provide penalties for violation of its provisions," as approved August 2nd, 1907, and found reported in Acts of Legislature 1907, page 727.

H. 1049. To repeal an Act entitled "An Act to incorporate the town of Pickens in Pickens county," and approved January 7, 1826.

H. 551. To create and establish a board of revenue in and for Walker county, Alabama, in the place and instead of the commissioners' court now existing in said county and abolishing said commissioners' court; providing that the present county commissioners shall be members of said board of revenue until Monday after the first Tuesday in January, 1925; providing for the appointment of the chairman of said board to serve until his successor is elected at the general election held in November, 1926, and qualified; providing for the election of a chairman every fourth year; fixing the term of office of the chairman of said board of revenue; fixing the compensation of the chairman and other members of said board, and the clerk thereof; conferring upon said board of revenue and the individual members thereof all jurisdiction, powers and authority granted by law to county commissioners and to commissioners' courts and boards of revenue in this State; making the probate judge and circuit clerk of said county ex-officio members of said board; providing for the holding of monthly meetings of said board of revenue beginning on the second Monday in each month; providing for the

repeal of all laws in conflict with this Act and fixing the time when this Act shall become inoperative.

H. 1048. To provide for the manner in which the fund derived from Crenshaw county's quota of the excise tax on gasoline shall be used in the construction, improvement and maintenance of the public roads and bridges of the county and of the several precincts therein and to provide a penalty for the violation of this Act.

H. 951. To change, alter or enlarge the corporate limits of the city of Birmingham, Jefferson county, Alabama.

S. 455. To fix the salaries of the members of the board of ~~revenue of Tuscaloosa county, exclusive of the probate judge.~~

H. 974. To provide for the working of all male inhabitants of Henry county, Alabama, between the ages of eighteen and forty-five years, on the public roads of said county; to provide for the levy and collection of a per capita road tax upon such persons in lieu of such road service; to be used for the maintenance, upkeep, building and repair of such public roads; to prescribe the manner and means of raising or collecting such tax; to provide for and regulate the working, building, maintenance and upkeep of the public roads of said county; and to provide and fix penalties for the violation of the provisions of this Act.

Mr. Luck, chairman of the Standing Committee on Local Legislation, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 911 (with amendment). For the relief of Levi F. Clayton.

Mr. Long, chairman of the Standing Committee on Commerce and Common Carriers, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 988. To make it a misdemeanor for any person to make, buy, sell or give away any duplicate key to any lock belonging to or in use by any railroad company in this State on its switches or switch-tracks, except on the written order of that officer of said railroad company whose duty it is to distribute and issue switch-lock keys to the employees of such railroad company.

Mr. Embry, chairman of the Standing Committee on Public Roads and Highways, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 1026. To create the office of chairman of the State Highway Commission, fixing the tenure of office, salary, and prescribing the duties and defining his powers.

Mr. Grove, chairman of the Standing Committee on Game, Fish and Forestry Preservation, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 680. To revise and amend chapter 224 of the Code of 1907.

H. 708. To revise and amend chapter 219 of the Code of 1907.

H. 931. To provide for the development of the State's oyster reefs and bottoms; to provide methods for the removal of systers and planting of depleted reefs and barren bottoms; to provide for boat licenses, and for other purposes.

S. 420. To provide for the development and improvement of the State's oyster beds; to provide methods for the removal of oysters from the waters of this State and to provide for boat license.

Mr. Ashcraft of Lauderdale, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 1036. To authorize and provide for the payment of the sum of two thousand five hundred (\$2,500.00) dollars for the relief of Odell Garrison, of Jefferson county, who was injured on the 31st day of December, 1920, while in line of duty with the National Guard of Alabama.

Mr. Sollie, chairman of the Standing Committee on Municipal Organization, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 550 (with substitute). An Act to provide for the payment out of the county treasury for ex-officio services rendered by the recorder while presiding over the recorder's court in the trial of cases before said court wherein there is charged a violation of the laws of the State of Alabama, in any city that has adopted the form of government provided for in the Act of Legislature of Alabama, entitled: "An Act to provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama, which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police

commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government, approved April 8, 1911."

Mr. Luck, chairman of the Standing Committee on Local Legislation, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 443. To empower and authorize the court of county commissioners or other board of like jurisdiction in any county in this State having a population of more than ninety-five thousand and not more than two hundred thousand inhabitants according to the last or any succeeding Federal census, to levy an excise tax on persons engaged in the business of selling or distributing gasoline or other liquid motor fuel in such county and to provide for the collection and payment of such tax, the deposit and safe-keeping thereof and to provide the purposes for which said fund must be used after paying the necessary expenses of collecting, keeping and administering the same.

The above and foregoing bills were severally read a second time and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. Luck, chairman of the Standing Committee on Local Legislation, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

By Mr. Jeter:

H. 655.

Mr. Burns, chairman of the Standing Committee on Agriculture, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

By Mr. Burns:

H. 562.

By Mr. Embry:

H. 581.

By Mr. Elliott:

H. 243.

By Mr. Grove:

H. 225.

By Mr. Grove:

H. 223.

By Mr. Poole:

H. 199.

By Mr. Tiller:

H. 193.

By Mr. Henley:

H. 11.

Mr. Rives, chairman of the Standing Committee on Privileges and Elections, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 238. To regulate primary election in the State of Alabama.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 37. To repeal an Act "to provide for the better building, maintenance and protection of the public roads and bridges of Limestone county; to provide funds, regulations and penalties to carry the provision and purposes of this Act into effect; to provide for the appointment of a county enginer and for the examination of applicants for such position," approved Sept. 14, 1915.

H. 340. To repeal an Act entitled an Act, To incorporate the Prattville Male and Female Academy, in the county of Autauga, approved February 23rd, 1860.

H. 52. To provide for the relief of Ennis Roy Jones, and to authorize the payment to him out of the State treasury of the sum of five hundred dollars (\$500.00) to compensate him for services rendered the State as a convict, he never having been sentenced to serve as such.

H. 714. To provide that the tax collector of Coffee county shall pay to the treasurer of the city board of education all district taxes for school purposes where the same is levied and collected in all towns in Coffee having 1,000 population according to last or any succeeding Federal census and whose council elects a city board of education, and to provide for paying out the same by such treasurer of the city board of education.

H. 668. To provide additional duties and confer additional powers on each member of the court of county commissioners of Crenshaw county, Alabama, in supervising the construction, maintenance and upkeep of the roads and bridges in his district; to extend the time now allowed by law to county commissioners of Crenshaw county for the discharge of their official duties and to fix their salary and mileage.

H. 629. To close and abandon a portion of Eleventh avenue in the city of Sheffield in the county of Colbert and State of Alabama.

H. 644. To change and extend the City Limits of the City of Montgomery, Alabama, as follows: Commencing at a point at the center of South Court Street, 350 feet South of the South line of Felder Avenue, thence north 75 feet, more or less, to a point opposite the center of Norwood Street, thence west along the center line of Norwood Street, extended and continuing westward to the center of Goode Street, thence South along the center of Goode Street, 796 feet, thence east 612 feet, thence North 135 feet, thence east 336 feet, to the southwest corner of the property of Arthur Pelzer, thence north 282 feet, more or less, to the south side of a fifty foot street lying on the north side of said Pelzer property, thence east along the south side of said street 300 feet, to the center of South Court Street, thence north along the center of South Court Street, to the point of beginning.

H. 515. For the relief of Rose Huey, by validating, making binding and ordering the payment of that certain warrant, number 2958, for \$1,010.00, payable to him, issued by the board of revenue of Jefferson county, Alabama, at Bessemer, on the 17th day of July, 1922, as and for the refund to him of said sum which he had theretofore paid by error into the county treasury of said county.

H. 590. To fix the compensation or salary of sheriffs of the State of Alabama in counties having more than two hundred thousand population, according to the last or any succeeding Federal census, and to provide for the method, basis and payment of such compensation.

H. 605. To authorize county boards of education in counties of two hundred thousand (200,000) or more population according to the Federal census of 1920 or any subsequent Federal census; to create and maintain pension funds for teachers; to make and collect assessments against teachers' salaries to be placed to the credit of pension funds; to accept gifts and bequests to pension funds; and to require said boards of education to retire on pension teachers who meet conditions hereinafter set forth.

H. 626. To authorize, empower and require the Commissioners Court, Board of Revenue, or other Court of like jurisdiction of Shelby County, Alabama, to pay to the Sheriff of Shelby County, out of the funds of the County Treasury of said County, the sum of Ten Dollars for each still or device captured, destroyed or confiscated in said County made, or used for the manufacture of spirituous or alcoholic liquor, and to provide for the payment of said sum by proper warrant on the County Treasury of Shelby County on the presentation of claim by the Sheriff of Shelby County having attached to the same an Affidavit of said Sheriff stating when and where, as near as possible, said still or device was captured or destroyed, the kind and capacity of same.

Said payment to be made by warrant drawn against the County Treasury by the Commissioners Court, Board of Revenue or other Court of like jurisdiction, said warrant to be a preferred claim against the Treasury of said County.

H. 701. To provide for the better building, maintenance and protection of the public roads and bridges and ferries of Limestone county; to provide funds, regulations and penalties to carry the provisions and purposes of this Act into effect; to provide for the appointment of a county engineer and to fix his duties.

H. 634. To fix the compensation of deputy clerks of the circuit court, holding office and performing the duties of circuit court clerks at any place other than the county site of such county, of all counties having a population of more than two hundred thousand (200,000) according to the last or any subsequent Federal census.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Brower:

S. 480. To propose an amendment to the Constitution of Alabama authorizing the levy of taxes to pay the principal and interest of bonds of the city of Birmingham hereafter issued in pursuance of popular vote of the electors of such city.

By Mr. Teasley:

S. 462. To authorize any literary society, social society, Young Men's Christian Association, or Young Women's Christian Association, to convey the title to real estate belonging to it, and to prescribe the proceedings to authorize the execution of the deed, and to prescribe the prima facie evidence of the authority to execute the deed, and to authorize a certified copy of the minutes of the meeting authorizing the execution of the conveyance to be recorded in the office of the judge of probate where the property is situated, and to prescribe the effect thereof.

By Mr. Powell:

S. 473. To amend section 6572 of the Code of Alabama.

S. 460. To exempt cotton mills or factories, and other textile mills, or additions thereto, constructed or made during the period beginning Sept. 30, 1923 and ending Sept. 30, 1930, from State, county and municipal taxes, for a period not to exceed five years; all such exemption to terminate finally Sept. 30, 1930.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time at length and referred to appropriate standing committees as follows:

Judiciary, S. 480, S. 473.

Revision of Laws, S. 462.

Ways, Means and Appropriations, S. 460.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the resolution:

H. J. R. 217. Requesting the return of House bill 591 for further consideration by the House.

The said bill is herewith returned.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. L. K. Bowen, the vote by which the bill, S. 591, was ordered to a passage and third reading was reconsidered.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate joint resolution, and sends same herewith to the House:

By Rules Committee:

S. J. R. 155. Resolved by the Senate, the House concurring, That when the two houses adjourn today, they adjourn to meet Tuesday, September 18th, 1923, at ten o'clock A. M.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Long, the House concurred in and adopted S. J. R. 155, which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 582. To protect the title of motor vehicles within this State; to provide for the issuance of certificates of title and

evidence of registration thereof; to regulate purchase and sale or other transfer of ownership; to facilitate the recovery of motor vehicles stolen or otherwise unlawfully taken; to provide for the regulation and licensing of certain dealers in used and second-hand vehicles as herein defined; to provide for sale of vehicle with engine number altered or changed; to prescribe the powers and duties of the State Tax Commission and Probate Judges hereunder; and to provide penalties for violation of the provisions hereof.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 523. To give effect to the amendment to section 93 of the Constitution of Alabama adopted at the November election, 1922, enabling the State "when authorized by appropriate laws, passed by the Legislature to engage in the work of internal improvement, of promoting, developing, constructing, maintaining, and operating all harbors or seaports within the State or its jurisdiction at a cost not exceeding ten million dollars;" to authorize the State of Alabama to engage in the work of internal improvement of promoting, developing, constructing, maintaining, and operating all harbors or seaports within the State or its jurisdiction, including all kinds of terminal facilities at seaports, and therein and thereafter to borrow money through the issuance and sale of its bonds, or otherwise therefor, but not to exceed in the aggregate ten million dollars; to prescribe the powers and authority of the State in respect to said development; to abolish the present State Harbor Commission and to create in lieu thereof an agency of the State to be known as the State Docks Commission; to provide for the management and control of all of said operations by said agency; to prescribe and define the powers and duties of such agencies; to confer upon said agency all powers, duties and authority now vested in the State Harbor Commission; to confer upon such agency the power and authority to fix reasonable charges for services rendered pursuant to this Act by the State, or under its authority, and for the use of its facilities acquired under authority of this Act; to require all persons and corporations rendering like services, or furnishing similar facilities, to make charges therefor at least as great as the reasonable charges fixed by such agency; to regulate generally the acquisition, development and operation by the State

of harbor improvements; including all kinds of terminal facilities at seaports; and to repeal all laws in conflict with this Act.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Goodwyn the House concurred in and adopted the Senate amendment to the bill, H. 523, said Senate amendment being as follows:

~~Amend House bill 523~~ so that the same shall read as follows:

A BILL

To be entitled an Act to give effect to the amendment to section 93 of the Constitution of Alabama adopted at the November election, 1922, enabling the State "when authorized by appropriate laws, passed by the Legislature to engage in the work of internal improvement, of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction at a cost not exceeding ten million dollars;" to authorize the State of Alabama to engage in the work of internal improvement of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction, including all kinds of terminal facilities at seaports, and therein and thereafter to borrow money through the issue and sale of its bonds, or otherwise therefor, but not to exceed in the aggregate ten million dollars; to prescribe the powers and authority of the State in respect to said development; to abolish the present State Harbor Commission and to create in lieu thereof an agency of the State to be known as the State Docks Commission; to provide for the management and control of all of said operations by said agency; to prescribe and define the powers and duties of such agency; to confer upon said agency all powers, duties, and authority now vested in the State Harbor Commission; to confer upon said agency the power and authority to fix reasonable charges for services rendered pursuant to this Act by the State, or under its authority and for the use of its facilities acquired under authority of this Act, to require all persons and corporations rendering like services or furnishing similar facilities, to make charges therefor at least as great as the reasonable charges fixed by such agency; to regulate generally the acquisition, development and operation by the State of harbor improvements; including all kinds of terminal facilities at seaports; and to repeal all laws in conflict with this Act.

Be it enacted by the Legislature of Alabama:

Section 1. The State of Alabama is hereby authorized and empowered to engage in, through the agency hereinafter provid-

ed and designated and such other agencies as hereafter may be provided by law, works of internal improvement of promoting, developing, constructing, maintaining, and operating all harbors or seaports within the State, or its jurisdiction, including the acquisition or construction, maintaining and operating at seaports of harbor water craft and terminal railroads, as well as all other kinds of terminal facilities, provided that such work or improvement and facilities shall always be and remain under the management and control of the State through the governing agency hereinafter provided and designated, or such other governing agency or agencies as hereafter may be provided by law, and provided further that the entire cost to the State of engaging in such work or development shall not exceed the sum of ten million dollars.

Section 2. There is hereby created a board or body, in lieu of the present State Harbor Commission, which commission is hereby abolished, the new board to be known as the State Docks Commission, which shall consist of three members to be appointed by the Governor, one of whom the Governor shall name as chairman of such commission, no two of whom shall be residents of the same congressional district of the State, which commission, in addition to the duties herein more particularly specified, shall be vested with and shall exercise the powers, duties, and authority, now vested in and exercised by the present State Harbor Commission which are not in conflict herewith. The commissioners shall be appointed for the terms of two, three and four years respectively; each commissioner's term to be designated by the Governor. The term of each commissioner, after the expiration of the term above provided for shall be five years but any commissioner may be removed by the Governor at pleasure at any time and a successor appointed for the remainder of the term. The said State Docks Commission is hereby provided and designated as the agency of the State through which it shall accomplish the acquisition or construction, maintenance and operation of all of the improvements and facilities hereby authorized and through which the same shall be managed and controlled by the State, and hereinafter such agency will be called the commission. It is further provided that no person having financial interest in any harbor facilities such as the State Docks Commission is authorized to deal with shall be eligible for appointment as a member of said commission. The members of said commission shall receive their actual expenses in attending meetings of said commission or in attending to any of the duties under this Act. The Governor may also appoint a board of three members, one of whom shall be an engineer, and one of whom shall be an architect, no two of whom shall be from the same congressional district, who shall be known as the board of censors, and whose duty it shall

be to, together with an examiner of public accounts, examine into the doings of the State Docks Commission at least once between January 1st and July 1st, and again between July 1st and December 31st of each year, and to make a report to the Governor as to the progress of the undertaking, making such criticisms and suggestions as may seem to them to be helpful to the Governor in passing upon the various matters connected with the undertaking, and the Governor may from time to time call said board of censors together for consultation in regard to any matters as to which he may desire the opinion of said board.

Section 3. It shall be the duty of the board of censors, together with the Examiner of Public Accounts, to examine the books of the secretary-treasurer, and to make such other inspection of the business, buildings and actions of the State Docks Commission and employees semi-annually as said board may deem necessary to enable said board to make a fair report of the financial and physical condition of the undertaking and it shall be the duty of the board of censors to have their report published in one paper at Montgomery each time they make a report. That the members of the board of censors shall receive a per diem of ten dollars for the days spent in the discharge of their duties and reasonable traveling expenses, to be approved by the Governor.

Section 4. The commission must appoint a secretary-treasurer, chief wharfinger and as occasion requires may appoint such number of deputy wharfingers, clerks, attorneys, collectors and other employees as may be necessary, all such appointments, excepting subordinate employees, to be made with the approval of the Governor. In addition, the said commission, with the approval of the Governor, shall also appoint such architects and engineers and other persons as may be required for the study and development of the facilities of the ports and when necessary may employ, with the approval of the Governor, a general manager having such duties and powers as may be designated in writing by the commission, approved in writing by the Governor, such general manager, or any other employee or appointee may be discharged or removed at any time by the Governor or the commission. Such general manager shall not be interested in, or connected by blood, marriage or business association with any one dealing with the said commission or interested in any way in any of the properties that may be acquired or managed by it. All employees handling money or vested with discretionary powers shall give bond in a sum to be fixed by the Governor, with corporate security, for the honest and faithful performance of the duties devolving upon them, such bond to be payable to the State and approved by the Attorney General. Such general manager shall make a monthly report in duplicate to the com-

mission and to the Governor of his acts and doings. The commission with the approval of the Governor shall have power and authority to fix the salaries and compensation for the general manager, engineers, architects and other employees and may prescribe their duties. Until the appointment and qualification of a general manager the commission may appoint the chairman or other commissioner to act ex-officio as general manager and shall fix his salary while so acting. Such officials and employees shall hold office for such time and on such terms and conditions as the commission may determine. The secretary-treasurer is required to make bond in such amount as the commission may order, payable to the State and conditioned upon the faithful discharge of his duties. He shall receive and disburse for the commission all monies which it is authorized to receive and disburse. He shall be responsible for the safekeeping thereof and shall properly account therefor.

Section 5. The State, in engaging in the work of internal improvement, of promoting, developing, constructing, maintaining, and operating harbors or seaports within the State and its jurisdiction, acting through the said commission, shall have power to acquire, purchase, install, lease, construct, own, hold, maintain, equip, use, control and operate at seaports, wharves, piers, docks, quays, grain elevators, cotton compresses, warehouses and other water and rail terminals and other structures and facilities needful for the convenient use of the same in the aid of commerce including the dredging of approaches thereto, but before the said commission shall exercise such authority it shall first submit complete plans, including estimates of costs, prepared by competent engineers or architects, to the Governor who shall consult and confer with said board in reference thereto and as to dredging with the proper United States authorities. The Governor shall also be authorized and empowered, wherever he thinks it is expedient, to make other and further investigations in regard to the desirability of such proposed acquisition or erection of facilities as above mentioned. Before approving any purchase of real estate at a price of more than \$10,000.00 the Governor shall cause the same to be appraised by three disinterested and competent men of his selection, the expense of such appraisal to be paid as hereinafter provided for the payment of expenses, and no purchase thereof shall be made, except by condemnation, for a sum in excess of said appraisal. If after such full investigation as he deems necessary is made, the Governor approves such acquisition, purchase, lease, or the erection of such facilities, he shall indicate it by endorsing his approval on the plan, or by letter to the commission, and thereupon the commission shall go forward with such project. If, however, the Governor disapproves, the commission shall not have author-

ity to begin such proposed improvement but may make other and further suggestion or amendments to the Governor from time to time. The State through the said commission, shall have power to acquire, own, lease, and operate tug boats, to locate, install, construct, acquire, lease, own, hold, maintain, control, and operate at seaports a line of terminal railroads with necessary sidings, turnouts, spurs, branches, switches, yard-tracks, bridges, trestles, and causeways and in connection therewith or appurtenant thereto shall have the further right to lease, install, construct, acquire, own, maintain, control and use any and every kind or character of motive power and conveyances or appliance necessary or proper to carry passengers, goods, wares, and merchandise over, along or upon the tracks of such railroads or other conveyances. The State, acting through the said commission, shall have the right and authority with its terminal railroads to connect with or cross any other railroad upon the payment of just compensation and to receive, deliver to and transport the freight, passengers, and cars of common carrier railroads as though it were an ordinary common carrier. The title to all property acquired under the authority of this Act shall vest in the State of Alabama, but the commission, with the consent and approval of the Governor, may dispose of, sell or lease to others, at reasonable prices and for reasonable compensation, any of said property, equipment and facilities provided that the proceeds of all such sales and leases shall remain as a part of the fund first in the payment of the interest due on any bonded indebtedness provided for hereunder and then to the further improvement and development hereby authorized, and to paying the obligations which the State is hereby empowered by this Act to incur. The commission with the approval of the Governor is authorized to exchange any property or properties acquired under the authority of this Act for other property or properties usable in carrying out the powers hereby conferred, and also to remove from lands needed for its purposes and reconstruct on other locations, buildings, terminals, railroads or other structures upon the payment of just compensation, if, in its judgment, it is necessary or expedient so to do in order to carry out any of its plans for port development approved by the Governor. The power of eminent domain shall apply, not only as to all property of private persons or corporations, but also as to property already devoted to public use, provided, however, the said commission shall have no authority to acquire without the consent of the owner thereof any property now operated and used for port purposes or such purposes as the commission are authorized to acquire and use property for, unless an actual necessity therefor be alleged and proven. It is provided, however, that said commission shall not purchase, lease, or acquire by exchange

any property in which any member of the commission is financially interested, either directly or indirectly, whether as a stockholder of a corporation or otherwise. The commission with the approval of the Governor is hereby authorized to bring and prosecute, for and in the name of the State, all such suits, actions and other legal proceedings as may be proper or necessary for the enforcement of the rights of the State growing out of any of its transactions or operations authorized by this Act, provided that the commission, so far as practicable to do so, shall utilize the labor of residents of this State in the construction of the works provided for in this Act.

Section 6. For the acquiring of rights of way and property necessary for the construction of terminal railroads and structures, including railroad crossings, wharves, piers, docks, quays, grain elevators, cotton compresses, warehouses and other riparian and littoral terminals and structures and approaches thereto needful for the convenient use of same, the State, acting through said commission, shall have the right and power to acquire the same by purchase, by negotiation, or by condemnation, and should it elect to exercise the right of eminent domain, it may proceed in the manner provided by the general laws of the State of Alabama for procedure by any county, municipality or corporation organized under the laws of this State, or in any other manner provided by law.

Section 7. The operation of the improvements and facilities hereby authorized shall be conducted in the name of the State Docks Commission. In such operation, the commission may contract such current indebtedness as is necessarily incident to the prosecution of the work in accordance with the terms of this Act. The commission may adopt rules not inconsistent with the provisions of this Act for the purpose of regulating, controlling and conducting the said operation.

Section 8. In order to provide funds for the purposes herein authorized, the Governor is hereby empowered to execute and, with the advice and concurrence of the commission, to sell the State's bonds in such amounts, not exceeding in the aggregate the sum of ten million dollars, as may be necessary for said purposes, but under and subject to the following provisions: The said bonds shall be appropriately designated as Harbor Improvement Bonds of the State and shall mature and be payable in equal annual installments, at such times as may be designated by the commission, with the approval of the Governor, not more than fifty years from the date of the issuance thereof, the first installment to mature not more than ten years from the date of issuance thereof. They shall be in denominations of one thousand (\$1,000.00) dollars and multiples of one thousand dollars (\$1,000.00), the number of each denomination in each lot of

bonds executed to be determined by the commission by and with the consent of the Governor. They shall be signed by the Governor, the State Auditor and the State Treasurer and attested by the Secretary of State, and the Great Seal of the State shall be affixed thereto, and said bonds shall be issued either in the coupon form or registered form and they shall all bear interest at such rate, not exceeding five per cent per annum, as may be determined by the commission, with the consent and approval of the Governor, which interest shall be payable semi-annually, the interest on coupon bonds being evidenced by interest coupons attached, each of which coupons shall be authenticated by the facsimile signature of the State Treasurer imprinted thereon. Bonds bearing interest at five per cent per annum shall be sold at not less than par. Bonds bearing interest at less than five per cent per annum shall be sold at such price that the cost to the State of Alabama, including annual interest and amortization, shall not exceed five per cent per annum. The State Treasurer shall keep a complete record of all bonds issued under authority of this Act. Bonds issued in coupon form may be exchanged for fully registered bonds or bonds registered as to principal only. Coupon bonds and registered bonds shall be interchangeable. Upon the issuance of a coupon bond for a registered bond, all matured and unearned coupons on said bond shall be by the State Treasurer first clipped from said bond and cancelled. The Governor is authorized to prescribe regulations for the registration of bonds and for the interchange of registered and coupon bonds and to fix a charge of not more than fifty cents per thousand dollars for registration of bonds and not more than one dollar per thousand dollars for interchange of bonds. The commission, with the approval of the Governor and Attorney General, is authorized to prescribe the exact form in which said bonds shall be issued. The State Treasurer shall keep a record of all registered bonds, including the names and addresses of the respective holders thereof. The said registered bonds may be transferred only by an appropriate change of registration in such manner and form as may be prescribed by the commission and approved by the Governor. The interest on all registered bonds shall be paid by check or draft of the State Treasurer mailed to the holder at the address shown by the registration records. The interest on the coupon bonds and the principal of all bonds shall be made payable in gold of the present standard weights and fineness, or its equivalent at the State treasury or such other place as may be selected and named by the commission with the approval of the Governor. Said bonds shall be emitted and sold only when and as funds are needed for the carrying out and accomplishing of a particular improvement or plan which has been submitted to and approved by the Governor as herein provided, or for the payment of tem-

porary loans and interest under the provisions of this Act. Each sale of bonds hereunder shall be for only such amount as is reasonably necessary to pay interest and temporary loans as herein provided, and to cover the cost of carrying out the plan or plans theretofore submitted to and approved by the Governor, it being intended to so provide that the improvement and development will be accomplished in such units, or installments as the commission, with the approval of the Governor, shall adopt, and to further so provide that the obligations of the State hereby authorized shall be emitted only when necessary to supply the funds required for said purposes provided, however, that the act of the commission and the Governor in offering such bonds for sale shall be conclusive evidence that the proceeds are intended for use only for the work of internal improvement in promoting, developing, constructing, maintaining, and operating harbors and seaports, within the State or its jurisdiction. Each issue of said bonds shall be designated by a distinctive series number, letter or other designation. The proceeds of all of said bonds issued and sold under the provisions hereof shall be paid into the treasury and kept by the State Treasurer in a separate account and in a separate fund and paid over to the secretary-treasurer of the commission from time to time in such amounts as shall be directed by the Governor as in his judgment the purposes of this Act may require or the money so paid over to the secretary-treasurer of the commission shall be held and used only for the accomplishment of the purposes of this Act. The State, at the request of the commission approved by the Governor, may borrow from time to time such sums of money as may be immediately necessary in its general operation, or in the development and improvements hereby authorized, or for the payment of interest on outstanding bonds or other indebtedness lawfully incurred; and the commission, subject to the approval of the Governor, acting by and through its chairman and secretary-treasurer, is hereby empowered to execute notes or other like obligations of the State, but in its own name, for all sums so borrowed. No loans so obtained shall run for more than six months or bear interest at a greater rate than six per cent per annum, but they may be renewed from time to time as may be necessary. The proceeds of all loans so obtained shall be paid to the secretary-treasurer of the commission and be held and used only for the accomplishment of the purposes of this Act. All temporary loans so obtained shall be repaid from and out of the proceeds of the next sale of bonds hereby authorized or other funds in the hands of the commission which may be available. At no time shall the amount of outstanding obligations of the State issued hereunder, including bonds, notes or other evidences of debt, exceed in the aggregate ten million dollars. The secretary-treasurer of the

commission shall deposit such funds as are received by him as such secretary-treasurer from time to time in such bank or banks as may be designated by the commission and approved by the Governor; provided, that such funds shall not be deposited in any bank in which any member of the commission is interested either directly or indirectly. The commission shall require that any bank or banks receiving such deposits shall secure the same by a deposit of harbor improvement bonds authorized by this Act, or by State bonds of the State of Alabama, United States Government securities, or such other securities as may be approved by the Governor and the commission. The commission and the Governor shall if possible require interest to be paid on such deposits carried in any bank or banks, provided temporary loans made under the provisions of this Act shall not exceed two hundred thousand dollars at any time.

Section 9. Not more than one million dollars par value of said bonds shall be emitted and sold during the first twelve months after the approval of this Act; not more than three million dollars of par value of said bonds shall be emitted and sold during the first twenty-four months after the approval of this Act, and not more than five million dollars of par value of said bonds shall be emitted and sold during the first forty-eight months after the passage of this Act. Not more than five million dollars par value of said bonds shall be emitted and sold until those portions of the improvements constructed by the State Docks Commission and which have been completed for at least three years, shall have produced a net income of five per cent upon the cost thereof during a period of twelve months prior to the emission and sale of additional bonds unless the entire investment shall have produced five per cent upon the cost thereof during a period of twelve months prior to the emission and sale of additional bonds. But the fact that bonds are emitted and sold with the approval of the Governor—shall be conclusive evidence of the fact that the conditions imposed by the terms of this section upon the emission and sale of said bonds have been complied with.

Section 10. The proceeds of the handling and operation of the improvements and facilities hereby authorized shall be applied and used as follows: All expenses of carrying out the purposes of this Act shall be paid from said proceeds. Not less than thirty days before each semi-annual date upon which interest matures on the bonds hereby authorized, or any installment of principal matures, the secretary-treasurer of the commission shall pay to the State Treasurer from such receipts an amount sufficient to cover such installment in interest or principal, and therefrom the State Treasurer shall pay such interest or principal. If the receipts of the commission be insufficient to cover

any expense herein provided for, or any installment of interest or principal, the deficiency may be paid from the proceeds of any sale of bond hereby authorized, provided that such use of said proceeds shall be limited to the payment of expenses and interest on bonds for only the first three years after the completion and putting into operation of the unit or improvement acquired with the proceeds of such bonds, or the amount necessary for the payment of such interest may be obtained from temporary loans negotiated therefor as hereinbefore authorized. It is intended to so provide that all of the revenues and income arising from the operations authorized hereby and from all property acquired under the provisions hereof shall be devoted to the payment of the expenses of such operation, to the payment of interest upon the bonds issued pursuant to the provisions hereof, and to the payment of the principal of said bonds as they respectively mature, thus relieving the other revenues of the State from any burden in that behalf unless the aforesaid income be insufficient for the purposes mentioned. The commission may retain from the money coming into its hands such amount as may reasonably be required for operating capital, and all amounts so retained shall be deemed to be an operating expense within the meaning of this Act.

Section 10½. Immediately upon the completion of each unit of development erected by the State, the commission shall ascertain the cost of said unit, which shall be entered in the accounts kept by the commission as a charge against capital account. After the first twelve months from the completion of each unit but not before October 1st, 1927, a half of one per cent of the cost thereof, not to exceed one-half of the gross income therefrom during each month, shall at the end of the month be credited, to an account designated "Sinking Fund" and shall be used from time to time only for the purpose of paying interest charges and of retiring by re-purchase such bonds at not more than par, or by paying them off as the same mature, until all bonds issued shall have been retired; provided, however, that whenever the sinking fund thus created shall exceed the bonds outstanding plus the interest charges maturing within the following twenty-four months, then the surplus shall be available for use in the further development and improvement of the port in question, and provided further that in calculating the net earnings of respective units for the purpose of ascertaining whether they have earned five per cent upon the cost thereof in order to determine whether or not the further sale of bonds may proceed, the question shall be determined just as if this section were not contained in this Act.

Section 11. For the payment of both the principal and interest of all bonds issued under the authority of the Act according to

their tenor, the faith and credit of the State of Alabama is hereby pledged. If the funds supplied by the commission to the State Treasurer under the provisions of this Act be insufficient to fully pay at maturity any installment of interest on said bonds, or to pay at maturity the principal of any of said bonds, then the deficiency shall be paid by the State Treasurer from any funds in the State treasury not otherwise appropriated.

Section 12. In order to enable the said operation to earn funds to pay operating expenses and interest on the bonds and to create a sinking fund for the retirement of the bonds, the said commission shall have the right and power to fix from time to time ~~reasonable rates of charges for services to all persons using~~ said facilities and schedules of all rates, so fixed shall be filed with the State Public Service Commission within seven days after the fixing thereof. All private concerns, corporations or individuals operating similar facilities at Alabama seaports must make and collect charges which shall be not less than the charges so fixed by the said commission for the use of the State's facilities.

Section 13. The commission shall make to each regular session of the Legislature a report showing the indebtedness of the State created under this Act, the property acquired, the facilities owned, the results of the operation, and such other information as may be necessary to fully advise the Legislature of the status and progress of the improvement and development hereby authorized.

Section 14. The Governor and the commission, respectively, are hereby directed and required to exercise the power and authority by this Act conferred upon them, respectively, to whatever extent is necessary to the accomplishment of the improvement and development hereby authorized. Any approval or consent by the Governor required by this Act shall be sufficiently evidenced by a certificate to that effect signed by the Governor and filed in the office of the State Treasurer, and approval or consent by the commission shall be sufficiently shown by a certificate signed by the president of the commission, attested by its secretary-treasurer and filed in the office of the State Treasurer.

Section 15. No officer, agent or clerical employee whose salary exceeds fifteen hundred dollars per annum shall be appointed, nor expenditure or obligation exceeding five thousand dollars be incurred by the commission, without the approval of the Governor.

Section 16. No indebtedness incurred by the present board shall be paid out of any funds received by the commission created under this bill.

Section 17. Said improvements shall be constructed in units and each unit of construction shall be completed before any other

unit shall be begun, provided, however, that more than one unit may be under construction at the same time, if the estimated combined costs of the units under construction at one time do not exceed three million dollars.

Section 18. That any license heretofore granted by the State of Alabama, either expressly or by implication, permitting the upland owner to occupy any part of the space between the channel of the Mobile river or the low water mark of the Mobile bay and the high water mark, may be revoked by resolution of the State Docks Commission whenever said State Docks Commission shall determine to make use of such property for the purpose contemplated by this Act, or may be suspended by resolution pending an investigation and decision as to whether or not such use shall be made; provided, however, that whenever such property has been or shall have been already improved by the upland owner his license to maintain such improvements and to exercise such control thereover as may have been conferred upon him by a license from the State shall not be revoked or suspended otherwise than in the exercise of the right of eminent domain, by condemnation proceedings, as long as such owner shall occupy such property with improvements appropriate and devoted to the use of such property as a facility to commerce as is contemplated by such license. Whenever the State Docks Commission shall determine that any part of the property of the State above described is being occupied under a license from the State but that the improvements thereon are not being so maintained and used as facilities to commerce as reasonably to serve the purpose for which the license was granted and that it is desirable that this land should be improved by the State Docks Commission, then the State Docks Commission may by resolution call upon such owner of such improvements to put the same in such condition as reasonably to serve as such facilities to commerce within the purpose of the license under which they were erected, and if the said owner shall fail to comply with such resolution within a reasonable time then the State Docks Commission may file a bill in the circuit court of the circuit in which such land is situate for the cancellation of such license and if upon final hearing it shall be determined by the court that the said property is being occupied in violation of the intent and purpose of said license then the court shall by its decree cancel the same and the State Docks Commission shall then be entitled to proceed with the improvements thereof, provided further the use of such improvement by the upland owner shall in no event be disturbed until the State Docks Commission is ready to begin the improvement of the land so occupied thereby under the terms of this Act.

Section 19. No special meeting of the State Docks Commission shall be held without giving at least one week's notice in

writing to each member and to the Governor unless each member of said commission and the Governor consent to such meeting in writing which consent must be shown of record. The commission is required to keep accurate minutes of all its meetings, showing all proposed expenditures, the disposition of such proposition, the vote of each member of the commission thereon. The commission shall also require to be kept on file and subject to public examination, an itemized account of all expenditures authorized and made.

Section 20. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 21. If any section or provision of this Act be held unconstitutional, it shall not invalidate any other section or provisions of this Act.

Yeas, 66; Nays, 21.

Yeas:

Messrs:

Mr. Speaker	Deloney	Hubbard	Smith (Clay)
Adams	Dowdle	Jones	Smith (Lee)
Allen	Elliott	Kilborn	Snodgrass
Arrington	Embry	Kilpatrick	Stewart (Bibb)
Ashcraft (Lauderd ^l)	Fanning	Lee	Stewart (Calhoun)
Bealle	Ferrell	Luck	Thompson (Jackson)
Blackwell	Fite	McDaniel	Tunstall
Bowen, Lewis	Forman	McGowen	Tyson
Bowen, L. K.	Goode	Melton	Varner
Boykin	Goodwyn	Norman	Verner
Byars	Grove	Odom	Walker
Calloway	Hatter	Patterson	Wall
Cato	Henley	Ringer	Walton
Christian	Henson	Rives	Mrs. Wilkins
Coleman	Hodgson	Rountree	Williams
Cook	Holcombe	St. John	Young
Culver	Howze		

—66

Nays:

Messrs:

Adcock	Guy	Long	Sanders (Conecuh)
Burns	Hall	Love	Sanders (Pike)
Burton	Hampton	Moorer	Sessions
Dunwoody	Howard	Nichols	Thompson (Etowah)
Gaines	Jeter	Parker	Tiller
Glover			

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 429. An Act to amend an Act entitled "An Act to amend sections 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458,

6460, 6461, 6462, 6463, 6464, 6465 of the Code of Alabama 1907, approved September 16th, 1915.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the title to which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 845. To impose a license or privilege tax on all deeds, bills of sale and other instruments of like character admitted to record in the probate offices of this State.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate joint resolution, and sends same herewith to the House:

By Mr. Randall:

S. J. R. 157. Be it resolved by the Senate of Alabama, the House concurring, That

Whereas, a resolution has been passed memorializing Congress to make certain surveys of navigable streams and their tributaries in the State of Alabama, etc., and

Whereas, it is important that this State should avail itself of all the advantages to be derived from such survey and report.

Therefore, be it resolved, That the Alabama Public Service Commission is directed to follow up said resolution and endeavor to secure favorable action thereon by Congress, or by such other governmental agency as may be authorized or empowered to make such survey and report.

Be it further resolved, That the Alabama Public Service Commission is hereby authorized and directed to co-operate with such Federal authorities, to receive and compile the reports and make to the Governor such recommendations as it may deem proper.

Be it further resolved, That no expense in connection with this resolution be incurred by the Alabama Public Service Commission except such as may be necessary to carry out the provi-

sions of this resolution, and that such necessary expenses be paid out of appropriations heretofore made for the Alabama Public Service Commission, upon the approval of the Governor.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The S. J. R. 157 which is set out in the above and foregoing message from the Senate, was read one time and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 904. To establish a board of revenue for Marengo county, and for the abolishment of the court of county commissioners of said county.

J. E. Speight,
Secretary.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 845. To impose a license or privilege tax on all deeds, bills of sale and other instruments of like character admitted to record in the probate offices of this State.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the Executive Department on the dates and hours

named, and that I hold the receipts of the Executive Department for same.

Delivered to the Governor Sept. 14, 1923, at 11:45 A. M.

H. 145.

Mr. St. John called up his motion to take the bill H. 978 from the adverse calendar.

And the motion was lost.

Yeas, 28; Nays, 36.

Yeas:

Messrs:

Mr. Speaker	Glenn	Lee	Stewart (Calhoun)
Bealle	Goode	Moorer	Thompson (Jackson)
Calloway	Goodwyn	Nichols	Tunstall
Coleman	Grove	Norman	Varner
Deloney	Holcombe	Patterson	Verner
Dowdle	Hornsby	Powell	Mrs. Wilkins
Elliott	Kilpatrick	St. John	Williams

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Nays:

Messrs:

Adcock	Cook	Henson	Sanders (Pike)
Ashcraft (Fayette)	Fanning	Hodgson	Sessions
Ashcraft (Lauderd'l)	Ferrell	Howze	Smith (Jefferson)
Blackwell	Fite	Hubbard	Sollie
Boykin	Gaines	Jeter	Stewart (Bibb)
Burton	Glover	Letson	Tiller
Byars	Guy	McDaniel	Tyson
Cato	Hampton	Moxley	Walker
Christian	Hawkins	Ringer	Wall

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 416. To make appropriations to the Alabama College, the University of Alabama, and the Alabama Polytechnic Institute.

S. J. R. 120. Relative to the Alabama delegation in Congress embodying in the next Federal Aid Act for roads, the bridging of navigable streams as a part of the basis distribution of Federal aid money among the several states.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL AND SENATE JOINT RESOLUTION.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and Senate joint reso-

lution, the titles to which are set out in the above and foregoing message from the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 501. To create and establish and locate a State secondary agricultural school in Sumter county at or near Cuba, Alabama; to provide for the control thereof; to make appropriations for its support and maintenance; and to authorize the county board of revenue or court of county commissioners to make appropriations therefor.

Also:

H. 731. To make further provision for paying the mileage and per diem of the members and officers and expenses of the Legislature.

Also:

H. 590. To fix the compensation or salary of sheriffs of the State of Alabama in counties having more than two hundred thousand population, according to the last or any succeeding Federal census, and to provide for the method, basis and payment of such compensation.

Also:

H. 644. To change and extend the city limits of the city of Montgomery, Alabama, as follows: Commencing at a point at the center of South Court street, 350 feet south of the south line of Felder avenue, thence north 75 feet, more or less, to a point opposite the center of Norwood street, thence west along the center line of Norwood street, extended and continuing westward to the center of Goode street, thence south along the center of Goode street, 796 feet, thence east 612 feet, thence north 135 feet, thence east 336 feet, to the southwest corner of the property of Arthur Pelzer, thence north 282 feet, more or less, to the south side of a fifty-foot street lying on the north side of said Pelzer property, thence east along the south side of said street 300 feet, to the center of South Court street, thence north along the center of South Court street, to the point of beginning.

Also:

H. 37. To repeal an Act "To provide for the better building, maintenance and protection of the public roads and bridges of Limestone county; to provide funds, regulations and penalties to carry the provision and purposes of this Act into effect; to pro-

vide for the appointment of a county engineer and for the examination of applicants for such position," approved Sept. 14, 1915.

Also:

H. 629. To close and abandon a portion of Eleventh avenue in the city of Sheffield in the county of Colbert and State of Alabama.

Also:

H. 515. For the relief of Rose Huey, by validating, making binding and ordering the payment of that certain warrant, number 2958, for \$1,010.00, payable to him, issued by the board of revenue of Jefferson county, Alabama, at Bessemer, on the 17th day of July, 1922, as and for the refund to him of said sum which he had theretofore paid by error into the county treasury of said county.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE GOVERNOR.

Message to the House:

I return herewith to you House bill 845 without my approval. The only objection I have to this bill is that in its present form, it is susceptible of imposing a double tax on vendors liens. I, therefore, suggest and request the following amendment:

Amend the bill by striking out the next to the last proviso contained in the bill and insert in lieu thereof the following proviso:

Provided, however, that this Act shall not be so construed or enforced as to require the payment of privilege tax herein provided on mortgages, deeds of trust or other instruments in the nature of a mortgage or deeds or other instruments with vendors liens, except as to that part of the purchase price, which is paid in cash or other articles of value and which pay no other privilege tax for recording.

Respectfully submitted,
Wm. W. Brandon, Governor.

Sept. 14, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Tunstall, the House concurred in and adopted the amendment proposed by the Governor to the bill, H. 845, said Governor's amendment being set out in the above and foregoing message from the Governor.

Yeas, 67; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Kilborn	Rives
Adcock	Forman	Kilpatrick	Sanders (Pike)
Ashcraft (Fayette)	Glenn	Lee	Sessions
Ashcraft (Lauderdl.)	Goode	Letson	Smith (Jefferson)
Bealle	Goodwyn	Long	Smith (Lee)
Bowen, Lewis	Grove	Luck	Sollie
Bowen, L. K.	Guy	McGowen	Thompson (Jackson)
Burns	Hall	Melton	Tiller
Burton	Hatter	Moorer	Tunstall
Byars	Henson	Moxley	Varner
Christian	Hodgson	Nichols	Verner
Coleman	Holcombe	Norman	Walker
Cook	Hornsby	Odom	Wall
Dickinson	Howze	Patterson	Walton
Elliott	Hubbard	Posey	Mrs. Wilkins
Fanning	Jeter	Powell	Williams
Ferrell	Jones	Ringer	

—67

Which was a majority of the whole number elected to the House.

And the bill:

H. 845. To impose a license or privilege tax on all deeds, bills of sale and other instruments of like character admitted to record in the probate office of this State.

As amended by the amendment proposed by the Governor, was again read a third time at length and passed.

Yeas, 72; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glenn	Lee	Smith (Jefferson)
Adcock	Goode	Letson	Smith (Lee)
Allen	Goodwyn	Long	Snodgrass
Arrington	Grove	Luck	Sollie
Ashcraft (Fayette)	Hall	McDaniel	Stewart (Calhoun)
Ashcraft (Lauderdl.)	Hatter	McGowen	Thompson (Etowah)
Bealle	Hawkins	Melton	Thompson (Jackson)
Bowen, L. K.	Henley	Moorer	Tiller
Boykin	Henson	Moxley	Tunstall
Burns	Hodgson	Nichols	Tyson
Burton	Holcombe	Norman	Varner
Byars	Hornsby	Odom	Verner
Christian	Howard	Patterson	Walker
Cook	Howze	Posey	Wall
Embry	Jeter	Ringer	Walton
Fanning	Jones	St. John	Mrs. Wilkins
Ferrell	Kilborn	Sanders (Pike)	Williams
Fite	Kilpatrick	Sessions	Young

—72

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 845. To impose a license or privilege tax on all deeds, bills of sale and other instruments of like character admitted to record in the probate office of this State.

By a majority of the whole number elected to the Senate; said vote being yeas 28, nays 0.

And said bill, as thus amended, was again read a third time at length and passed by a majority of the whole number elected to the Senate; said vote on the passage of said bill, as amended, being yeas 30, nays 0.

And said bill together with the Governor's amendment, is herewith returned to the House.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the Executive Department on the dates and hours named, and that I hold the receipts of the Executive Department for same.

Delivered to Governor Sept. 14th, 1923, at 12:15 P. M.:

H. 515.

J. H. Stewart,
Clerk.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the Executive Department on the dates and hours named, and that I hold the receipts of the Executive Department for same.

Delivered to Governor at 12:15 P. M., Sept. 14, 1923:

H. 501.

Also:

H. 731.

Also:

H. 590.

Also:

H. 644.

Also:

H. 37.

Also:
H. 629.

J. H. Stewart,
Clerk.

Mr. Thompson of Etowah called up his motion to take the bill H. 973 from the adverse calendar, and the motion was lost.

Mr. Burton called up his motion to take the bill H. 849 from the adverse calendar and the motion was lost.

Yeas, 20; Nays, 38.

Yeas:

Adcock	Cook	Hall	Moxley
Ashcraft (Fayette)	Deloney	Henson	Nichols
Blackwell	Dowdle	Hodgson	Sanders (Pike)
Boykin	Forman	Letson	Thompson (Etowah)
Burton	Guy	Long	Thompson (Jackson)

—20

Nays:

Messrs:			
Mr. Speaker	Ferrell	Hubbard	Smith (Lee)
Ashcraft (Lauderdale)	Fite	Jones	Snodgrass
Bealle	Glenn	Kilborn	Stewart (Calhoun)
Bowen, Lewis	Goode	Luck	Tunstall
Burns	Goodwyn	Moorer	Verner
Calloway	Grove	Odom	Walker
Cato	Hatter	Patterson	Wall
Coleman	Holcombe	St. John	Walton
Dunwoody	Hornsby	Smith (Jefferson)	Mrs. Wilkins
Embry	Howze		

—38

Mr. Ashcraft of Lauderdale called up his motion to take the bill H. 546 from the adverse calendar and the motion was lost.

Yeas, 26; Nays, 35.

Yeas:

Messrs:			
Adcock	Fanning	Moorer	Stewart (Bibb)
Ashcraft (Lauderdale)	Glenn	Odom	Stewart (Calhoun)
Bowen, Lewis	Goode	Patterson	Thompson (Jackson)
Bowen, L. K.	Howze	Powell	Tyson
Byars	Jeter	Rives	Ware
Deloney	Kilborn	Smith (Jefferson)	Mrs. Wilkins
Dowdle	Letson		

—26

Nays:

Messrs:			
Bealle	Ferrell	Henson	Ringer
Blackwell	Fite	Hodgson	Snodgrass
Boykin	Forman	Hornsby	Sollie
Burns	Gaines	Howard	Thompson (Etowah)
Burton	Goodwyn	Kilpatrick	Tunstall
Cato	Grove	Long	Verner
Coleman	Hall	Moxley	Walker
Cook	Hampton	Nichols	Williams
Elliott	Hatter	Parker	

—35

MESSAGE FROM THE GOVERNOR.

Message to the House:

Gentlemen:

I return you herewith House bill 761 without my approval.

My only objection to the bill is that in the title of the bill it purports to provide for a recall from public office, and I find no provision in the body of the bill for such recall.

I, therefore, suggest that the title of the bill be amended by striking out the words: "and recall from office" wherever they occur in the title.

With this amendment the bill will meet by approval.

Respectfully submitted,
Wm. W. Brandon, Governor.

September 14, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Goodwyn, the House concurred in and adopted the amendment proposed by the Governor to the bill H. 761, said Governor's amendment being set out in the above and foregoing message from the Governor.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glenn	Letson	Rountree
Adams	Glover	Long	St. John
Adcock	Goode	Love	Sanders (Pike)
Allen	Graves	Lack	Sessions
Arrington	Grove	Melton	Sollie
Bealle	Guy	Moorer	Tiller
Blackwell	Hall	Nichols	Tunstall
Boykin	Henley	Norman	Tyson
Burns	Henson	Odom	Varnier
Burton	Hornsby	Parker	Verner
Byars	Howard	Pickens	Wall
Cato	Howze	Poole	Walton
Deloney	Jeter	Posey	Ware
Fite	Jones	Ringer	Williams
Gaines	Lee	Rives	Young

—60

Which was a majority of the whole number elected to the House.

And the bill:

H. 761. To provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners; and their terms of office and recall from office, to fix their powers, duties and compensation, to punish improper conduct in connection with elections and peti-

tions hereunder; to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said commission form of government.

As amended by the amendment proposed by the Governor was again read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glenn	Jones	Rives
Adams	Glover	Kilborn	Rountree
Adcock	Goode	Lee	Sanders (Pike)
Allen	Graves	Letson	Sessions
Arrington	Grove	Long	Sollie
Bealle	Guy	Love	Tiller
Blackwell	Hall	Luck	Tyson
Boykin	Hatter	Melton	Varner
Burns	Hawkins	Moorer	Verner
Burton	Henley	Moxley	Walker
Byars	Henson	Odum	Wall
Cato	Holcombe	Pickens	Walton
Cook	Hornsby	Poole	Ware
Deloney	Howard	Posey	Williams
Fite	Jeter	Ringer	Young

—60

Which was a majority of the whole number elected to the House.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correct enrolled, to-wit:

H. 845. To impose a license or privilege tax on all deeds, bills of sale and other instruments of like character admitted to record in the probate offices of this State.

Jas. A. Smith,
Chairman.

SIGNING OF BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the Executive Department on the dates and hours named, and that I hold the receipts of the Executive Department for same.

Delivered to Governor at 1:00 P. M., Sept. 14, 1923::

H. 845.

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 582. To protect the title of motor vehicles within this State; to provide for the issuance of certificates of title and evidence of registration thereof; to regulate purchase and sale or other transfer of ownership; to facilitate the recovery of motor vehicles stolen or otherwise unlawfully taken; to provide for the regulation and licensing of certain dealers in used and second-hand vehicles as herein defined; to provide for sale of vehicle with engine number altered or changed; to prescribe the powers and duties of the State Tax Commission and probate judges hereunder; and to provide penalties for violation of the provisions hereof.

Jas. A. Smith,
Chairman.

SIGNING OF BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 761. To provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as

much as twenty-five thousand and less than fifty thousand people according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office, to fix their powers, duties and compensation, to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said commission form of government.

By a vote of a majority of the whole number elected to the Senate; said vote being yeas 25, nays 0.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote on the passage of said bill as amended, being yeas 28, nays 0.

And said bill, with the Governor's message, containing the proposed amendment is herewith returned to the House.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the Executive Department on the dates and hours named, and that I hold the receipts of the Executive Department for same.

Delivered to Governor at 1:30 P. M., Sept. 14, 1923:
H. 582.

J. H. Stewart,
Clerk.

BILLS ON THIRD READING.

H. 894. To require the several county officials of Autauga county, Alabama, to secure the approval of the board of revenue, before making any purchases for the stationery or supplies for their respective offices.

Was read a third time at length and passed.
Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Blackwell	Culver	Forman
Adams	Boykin	Deloney	Gaines
Adcock	Burns	Dickinson	Glenn
Allen	Byars	Dowdle	Glover
Arrington	Cato	Elliott	Goode
Bealle	Cook	Fite	Graves

Grove	Jones	Nichols	Tiller
Guy	Lee	Norman	Tunstall
Hall	Letson	Odom	Tyson
Hatter	Long	Parker	Varner
Hawkins	Love	Pickens	Wall
Henley	Luck	Poole	Walton
Howard	Melton	Posey	Ware
Howze	Moorer	Sessions	Williams
Jeter	Moxley	Sollie	Young

—60

H. 1027. To provide for and establish in each and all counties of this State which now have a population of two hundred thousand people or more, according to the last Federal census, or which shall hereafter have such population, or more, according to any such census hereafter taken, a court to be designated the court of domestic relations; to provide that such courts shall be courts of record; to define the jurisdiction, power and authority of such courts; to provide the means necessary, proper or convenient for the exercise thereof, and to regulate same; to provide for a senior judge, and an associate judge, or such courts, and for such other officers and employees, as are necessary or convenient for the exercise of its jurisdiction, and for their compensation; to provide for and regulate the procedure in such courts; to authorize the senior judge of said courts to determine the form of records; to provide for appeals from said courts, and to regulate same; to fix and regulate the taxing of costs in such courts; to provide for the transfer to the jurisdiction of such courts certain causes pending in the circuit court and other courts in such counties and all causes pending in juvenile courts in such counties, and all wards and probationers of such juvenile courts in such counties; to provide that if any section, paragraph or other part of this Act shall be declared unconstitutional, that such decision shall not affect the remainder thereof; to repeal all laws and parts of laws inconsistent, or in conflict with this Act, and to designate when this Act shall take effect.

Was taken up. Mr. Fite offered the following amendment to the bill:

Amend the title of the bill by adding thereto the following "and to abolish all juvenile courts in all such counties."

Amend the bill by adding thereto the following section:

"Section 21½. Be it further enacted, That all juvenile courts in all such counties are hereby abolished."

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker
Adams

Adcock
Allen

Bealle
Bowen, Lewis

Bowen, L. K.
Boykin

Burns	Goode	Jones	Poole
Burton	Graves	Lee	Ringer
Byars	Grove	Long	Rives
Cato	Guy	Love	St. John
Cook	Hall	Luck	Smith (Jefferson)
Culver	Hatter	Melton	Sollie
Deloney	Henley	Moorer	Tiller
Dowdle	Henson	Moxley	Tunstall
Elliott	Hodgson	Nichols	Tyson
Embry	Hornshy	Norman	Wall
Fite	Howard	Odom	Ware
Gaines	Howze	Parker	Williams
Glover	Jeter	Pickens	Young

And the bill:

H. 1027. To provide for and establish in each and all counties of this State which now have a population of two hundred thousand people or more, according to the last Federal census, or which shall hereafter have such population, or more, according to any such census hereafter taken, a court to be designated the court of domestic relations; to provide that such courts shall be courts of record; to define the jurisdiction, power and authority of such courts; to provide the means necessary, proper or convenient for the exercise thereof, and to regulate same; to provide for a senior judge, and an associate judge, or such courts, and for such other officers and employees, as are necessary or convenient for the exercise of its jurisdiction, and for their compensation; to provide for and regulate the procedure in such courts; to authorize the senior judge of said courts to determine the form of records; to provide for appeals from said courts, and to regulate same; to fix and regulate the taxing of costs in such courts; to provide for the transfer to the jurisdiction of such courts certain causes pending in the circuit court and other courts in such counties and all causes pending in juvenile courts in such counties, and all wards and probationers of such juvenile courts in such counties; to provide that if any section, paragraph or other part of this Act shall be declared unconstitutional, that such decision shall not affect the remainder thereof; to repeal all laws and parts of laws inconsistent, or in conflict with this Act, and to designate when this Act shall take effect.

As amended, was read a third time at length and passed.

Yeas, 60; Nays, 1.

Yeas:

Messrs:

Mr. Speaker
Adams
Adcock
Allen
Arrington

Bealle
Blackwell
Bowen, Lewis
Bowen, L. K.
Boykin

Burton
Byars
Cato
Cook
Culver

Deloney
Dowdle
Fite
Forman
Gaines

Glenn	Henley	Melton	St. John
Glover	Henson	Moorer	Sollie
Goode	Hubbard	Moxley	Tiller
Graves	Jeter	Odom	Tyson
Grove	Jones	Parker	Varner
Guy	Lee	Pickens	Verner
Hall	Letson	Poole	Wall
Hampton	Long	Posey	Ware
Hatter	Love	Ringer	Williams
Hawkins	Luck	Rives	Young

—60

Nays:

Mr. Howze—1.

H. 821. To provide for the establishment, discontinuance, construction and working and maintenance of the public roads and bridges of Barbour county, Alabama, to define the duties and powers of the board of revenue of said county with a regard to the same, to authorize the board of revenue of said county to adopt a vehicle tax in said county and to adopt and prescribe a per capita road tax in said county, and to give to the board of revenue legislative powers in regard to roads, a vehicle tax and per capita tax for the road purposes in said county and to fix penalties for violations of the rules, regulations and laws of the board of revenue of said county.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Adams	Gaines	Lee	Poole
Adcock	Glenn	Letson	Posey
Allen	Glover	Long	Rives
Arrington	Goode	Love	Rountree
Bealle	Hall	Luck	St. John
Blackwell	Hatter	McDaniel	Tiller
Boykin	Hawkins	McGowen	Tunstall
Burns	Henley	Melton	Tyson
Burton	Henson	Moorer	Verner
Byars	Hodgson	Moxley	Walker
Cato	Holcombe	Nichols	Wall
Dowdle	Hornsby	Norman	Walton
Elliott	Howard	Odom	Ware
Fite	Howze	Parker	Williams
Forman	Hubbard	Pickens	Young

—60

H. 818. To regulate fine and forfeiture fund of Barbour county, Alabama, to require the register of claims against said fund, and same to be presented to the clerk of the board of revenue and payment of claims once each year against said fund and to regulate registration of such claims and to transfer any surplus to the credit of said funds to the general or road fund of

said county as may be directed by the board of revenue. To require all persons or officers of the county whose duty it shall be to collect revenues and money belonging to Barbour county to forward to the clerk of the board of revenue a statement of all monies collected and to what fund deposited and showing the amount of money so deposited in the depository of the county and from what source the same was collected.

Mr. Mooneyham offered the following amendment to the bill:

Amend House bill 818, section 2 thereof, by adding at the end of said section the following:

"Provided that the officers of said county shall have the same right of payment and priority of their claim against the said fine and forfeiture fund as is now provided by law."

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Adams	Dunwoody	Jeter	Posey
Adcock	Elliott	Jones	Powell
Allen	Embry	Lee	Ringer
Bealle	Fite	Letson	Rives
Boykin	Forman	Long	St. John
Burns	Gaines	Love	Sessions
Burton	Glenn	Luck	Sollie
Byars	Glover	Melton	Tiller
Cato	Goode	Moorer	Tunstall
Coleman	Hawkins	Moxley	Tyson
Cook	Henley	Nichols	Wall
Culver	Hodgson	Norman	Walton
Deloney	Hernsby	Odom	Ware
Dickinson	Howard	Parker	Williams
Dowdle	Howze	Pickens	Young

—60

And the bill:

H. 818. To regulate fine and forfeiture fund of Barbour county, Alabama, to require the register of claims against said fund, and same to be presented to the clerk of the board of revenue and payment of claims once each year against said fund and to regulate registration of such claims and to transfer any surplus to the credit of said funds to the general or road fund of said county as may be directed by the board of revenue. To require all persons or officers of the county whose duty it shall be to collect revenues and money belonging to Barbour county to forward to the clerk of the board of revenue a statement of all monies collected and to what fund deposited and showing the amount of money so deposited in the depository of the county and from what source the same was collected.

As amended, was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Adams	Embry	Hubbard	Pickens
Adcock	Glenn	Jeter	Poole
Allen	Glover	Jones	Powell
Arrington	Goode	Kilborn	Rives
Bealle	Graves	Lee	St. John
Bowen, Lewis	Grove	Letson	Sollie
Bowen, L. K.	Guy	Long	Tiller
Boykin	Hall	Love	Tyson
Burns	Hatter	Luck	Varner
Burton	Hawkins	Melton	Verner
Byars	Henley	Mooneyham	Walker
Coleman	Henson	Moorer	Wall
Cook	Hornsby	Norman	Walton
Culver	Howard	Odom	Ware
Dowdle	Howze	Farker	Young
Elliott			

—60

H. 995. To provide for the election of a county superintendent of education for Bibb county, Alabama, to prescribe his qualifications and to fix his term of office.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Adams	Goode	Long	Sessions
Adcock	Graves	Love	Smith (Clay)
Allen	Grove	Luck	Smith (Lee)
Arrington	Guy	McGowen	Snodgrass
Bealle	Hall	Melton	Sollie
Blackwell	Henson	Moorer	Stewart (Bibb)
Burns	Hodgson	Moxley	Tyson
Burton	Holcombe	Pickens	Varner
Byars	Hornsby	Poole	Verner
Calloway	Howard	Posey	Walker
Ferrell	Howze	Powell	Wall
Fite	Jeter	Ringer	Walton
Gaines	Jones	Rives	Ware
Glenn	Kilborn	St. John	Young
Glover	Letson	Sanders (Pike)	

—60

H. 1014. To amend and re-enact an Act entitled 'An Act to provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama having a population of one hundred thousand or more, according to the last or any succeeding Federal census; to provide for a civil service board in such cities, fixing their duties, authority and powers,' approved February 10, 1923.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Adams	Forman	Hubbard	Ringer
Adcock	Gaines	Jeter	Rives
Allen	Glenn	Jones	St. John
Bealle	Glover	Kilpatrick	Tiller
Boykin	Goode	Lee	Tunstall
Burns	Graves	Letson	Tyson
Burton	Grove	Long	Varnier
Byars	Guy	Love	Verner
Cook	Hall	Luck	Walker
Culver	Hampton	Melton	Wall
Dowdle	Hatter	Nichols	Walton
Elliott	Henley	Odom	Ware
Embry	Henson	Parker	Mrs. Wilkins
Ferrell	Hornsby	Poole	Williams
Fite	Howze	Posey	Young

—60

And the bill was ordered sent to the Senate without engrossment.

S. 168. To enlarge and extend the boundaries of the corporate limits of the city of Tuscaloosa, Alabama.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Elliott	Jones	St. John
Adams	Embry	Letson	Sessions
Adcock	Ferrell	Long	Smith (Clay)
Allen	Fite	Love	Smith (Lee)
Arrington	Glover	Luck	Snodgrass
Bealle	Goode	Melton	Sollie
Blackwell	Graves	Moorer	Tiller
Bowen, L. K.	Grove	Moxley	Tyson
Boykin	Guy	Norman	Varnier
Burns	Hall	Odom	Verner
Byars	Hatter	Parker	Walker
Calloway	Hawkins	Pickens	Wall
Christian	Howard	Poole	Ware
Cook	Howze	Powell	Williams
Culver	Jeter	Rives	Young

—60

H. 820. To prohibit the payment of certain expenses of the school superintendent and officers of school boards of the county out of the general funds of the county, and to provide for the payment of the operations of schools and calling of elections for school purposes out of the school funds of the county. To regulate the drawing of warrants against the funds of the county and to prohibit the payment of warrants not drawn in accordance with this Act.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Adams	Deloney	Jeter	Powell
Adcock	Dowdle	Jones	Ringer
Allen	Fanning	Letson	Rives
Bealle	Ferrell	Long	Snodgrass
Blackwell	Fite	Love	Sollie
Boykin	Gaines	Luck	Thompson (Etowah)
Burns	Glenn	Melton	Tiller
Burton	Glover	Moorer	Tyson
Byars	Goode	Moxley	Varner
Calloway	Grove	Norman	Verner
Cato	Guy	Odom	Wall
Christian	Hall	Parker	Walton
Coleman	Hatter	Pickens	Ware
Cook	Howard	Poole	Williams
Culver	Howze	Posey	Young

—60

S. 423. To provide for the relief of Alto V. Jester, who was permanently disabled in the military service of the State of Alabama during emergency military duty in the mineral districts of the State of Alabama, 1920-21.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Howze	St. John
Adams	Elliott	Jeter	Sessions
Adcock	Embry	Lee	Smith (Clay)
Allen	Ferrell	Letson	Smith (Lee)
Arrington	Fite	Long	Snodgrass
Bealle	Glenn	Love	Sollie
Blackwell	Glover	Luck	Tiller
Bowen, L. K.	Goode	Melton	Tyson
Boykin	Graves	Odom	Varner
Burns	Guy	Parker	Verner
Burton	Hall	Pickens	Walker
Byars	Hatter	Poole	Wall
Cato	Henley	Posey	Ware
Cook	Henson	Powell	Williams
Culver	Howard	Rives	Young

—60

S. 424. To provide for the relief of Clifton E. Clement who was permanently disabled in the military service of the State of Alabama during emergency military duty in the mineral districts of the State of Alabama, 1920-21.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas :

Messrs:

Adams	Forman	Lee	Sanders (Pike)
Adcock	Glenn	Letson	Sessions
Allen	Glover	Long	Smith (Clay)
Bealle	Goode	Love	Smith (Lee)
Boykin	Graves	Luck	Snodgrass
Burns	Guy	McGowen	Sollie
Byars	Hall	Melton	Stewart (Calhoun)
Cato	Hatter	Mooneyham	Tiller
Christian	Hawkins	Moorer	Tunstall
Cook	Henley	Norman	Tyson
Culver	Henson	Odom	Wall
Deloney	Hodgson	Parker	Ware
Dowdle	Hornsby	Rives	Mrs. Wilkins
Elliott	Howard	Rountree	Williams
Fite	Howze	St. John	Young

—60

H. 959. To provide for the better construction, repairing, working, and maintaining of the public roads and bridges in Shelby county, Alabama.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas :

Messrs:

Mr. Speaker	Cook	Hodgson	Parker
Adams	Culver	Hornsby	Posey
Adcock	Deloney	Howard	Rives
Allen	Dowdle	Howze	St. John
Arrington	Elliott	Jeter	Sanders (Pike)
Bealle	Embry	Jones	Sessions
Blackwell	Ferrell	Lee	Smith (Clay)
Bowen, Lewis	Fite	Letson	Smith (Lee)
Bowen, L. K.	Glenn	Long	Snodgrass
Boykin	Glover	Love	Sollie
Burns	Grove	Luck	Tiller
Byars	Guy	Melton	Varnier
Calloway	Hall	Moorer	Verner
Cato	Hatter	Moxley	Walker
Coleman	Henley	Odom	Ware

—60

And the bill was ordered sent to the Senate without engrossment.

S. 340. To authorize and empower the town council of the town of Clanton, Alabama, to vacate, annul or narrow any street, avenue, alley or other public place in said town and to convey such portion of any street, avenue, alley or other public place so vacated, annulled or narrowed, to the adjacent landowners.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Adams	Dickinson	Hawkins	Powell
Adcock	Dowdle	Henley	Rives
Allen	Dunwoody	Holcombe	Rountree
Arrington	Elliott	Jeter	Rutherford
Ashcraft (Lauderd's)	Embry	Jones	St. John
Bealle	Fanning	Lee	Sanders (Pike)
Blackwell	Fite	LeMaistre	Sessions
Boykin	Gaines	Letson	Smith (Clay)
Burns	Glover	Long	Smith (Lee)
Burton	Goode	Love	Snodgrass
Byars	Graves	Luck	Sollie
Cato	Grove	Odom	Tidler
Christian	Guy	Parker	Tyson
Cook	Hall	Pickens	Verner
Culver	Hatter	Posey	Walker

—60

S. 412. To authorize municipal corporations having a population of 60,000 or more inhabitants according to the last or any subsequent Federal census, to improve streets and sidewalks and sections of streets and sidewalks by the construction of electric lighting systems known as "white ways," and to charge the cost, to the property owners abutting on and to which the system known as "white way" lighting serves in the ornamental, decorating and lighting of the street upon which the property butts; provided such lighting system shall not include overhead street lighting and to provide that such municipal corporations shall maintain such lighting systems after they have been established, and shall pay for the cost of the current and the expense of such maintenance.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Cook	Howze	Poole
Adams	Culver	Hubbard	Posey
Adcock	Deloney	Jeter	Powell
Allen	Dickinson	Jones	St. John
Arrington	Dowdle	Kilborn	Snodgrass
Bealle	Fanning	Lee	Sollie
Blackwell	Ferrell	Letson	Stewart (Bibb)
Bowen, Lewis	Fite	Long	Tyson
Bowen, L. K.	Gaines	Love	Varner
Boykin	Glenn	Luck	Verner
Burns	Glover	Moorer	Walker
Burton	Goode	Moxley	Wall
Byars	Hampton	Norman	Walton
Calloway	Hatter	Odom	Ware
Cato	Howard	Parker	Young

—60

H. 922. To provide for the approval of any contract or contracts, plans, specifications, architectural design and equipment for the erection of any court houses, jails and hospitals by the court of county commissioners and boards of revenue in all counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

~~Adcock~~

Allen

Arrington

Bealle

Blackwell

Bowen, Lewis

Bowen, L. K.

Cato

Christian

Coleman

Cook

Culver

Dickinson

Ferrell

Fite

Gaines

Glenn

Glover

Goode

Graves

Grove

Guy

Hall

Hatter

Hawkins

Henson

Hodgson

Hubbard

Jeter

Kilborn

Kilpatrick

Lee

Moorer

Moxley

Nichols

Norman

Odum

Pickens

Poole

Posey

Powell

Ringer

St. John

Sanders (Pike)

Sessions

Smith (Clay)

Smith (Lee)

Snodgrass

Sollie

Stewart (Calhoun)

Thompson (Etowah)

Tiller

Tunstall

Tyson

Varner

Wall

Walton

Ware

Mrs. Wilkins

Young

—60

H. 901 (with substitute). To create the office of an additional judge of the circuit court in all counties now or hereafter having a city with a population of more than one hundred thousand, according to the last or any subsequent Federal census, to provide for the powers, jurisdiction, authority and duties, salary and manner of payment of salary of such additional judge.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

Substitute to H. 901:

A BILL

To be entitled an Act to create the office of an additional judge of the circuit court in all counties now or hereafter having a city with a population of more than one hundred thousand, according to the last or any subsequent Federal census, to provide for the powers, jurisdiction, authority and duties, salary and manner of payment of salary of such additional judge.

Be it enacted by the Legislature of Alabama:

Section 1. In all counties now or hereafter having a city with a population of more than one hundred thousand, according to the last or any subsequent Federal census, there is hereby

created the office of an additional judge of the circuit court. The judge who shall hold said office shall have the same powers, jurisdiction and authority as the other judges of the circuit court, and shall be designated by the appropriate consecutive number as a judge of said court, but said judge shall be and he is hereby charged with the primary duty of trying and disposing of cases appealed to said circuit court from recorders' courts. The salary of such judge shall be in the same amount and payable in the same manner as the other judges of the circuit court in such county, provided that the city having the largest population in such county shall pay into the county treasury monthly an amount equal to the amount paid by the county on the salary of such judge, and provided further that such city shall also pay into the State treasury monthly an amount equal to the amount paid by the State on the salary of such judge.

And the substitute was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Hornsby	Posey
Adcock	Elliott	Howard	Powell
Allen	Embry	Howze	Rives
Arrington	Fanning	Kilpatrick	Rutherford
Ashcraft (Fayette)	Fite	Lee	St. John
Ashcraft (Lauderdl)	Glenn	LeMaistre	Sanders (Pike)
Bowen, Lewis	Glover	Long	Sessions
Bowen, L. K.	Goode	Love	Smith (Jefferson)
Burns	Graves	McDaniel	Snodgrass
Burton	Guy	Mooneyham	Sollie
Calloway	Hall	Moorer	Stewart (Calhoun)
Cato	Hatter	Norman	Thompson (Jackson)
Christian	Hawkins	Odom	Varnier
Coleman	Henley	Parker	Verner
Cook	Henson	Pickens	Wall

—60

And the bill:

H. 901. To create the office of an additional judge of the circuit court in all counties now or hereafter having a city with a population of more than one hundred thousand, according to the last or any subsequent Federal census, to provide for the powers, jurisdiction, authority and duties, salary and manner of payment of salary of such additional judge.

As amended by the substitute, was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Adams	Allen	Ashcraft (Lauderdl)	Bowen, L. K.
Adcock	Arrington	Bealle	Boykin

Byars	Howard	Parker	Sollie
Calloway	Howze	Pickens	Stewart (Bibb)
Cato	Jeter	Poole	Thompson (Etowah)
Coleman	Jones	Posey	Tiller
Cook	Lee	Ringer	Tunstall
Culver	LeMaistre	Rives	Varner
Dowdle	Long	Rountree	Verner
Ferrell	Love	St. John	Walker
Fite	Luck	Sanders (Pike)	Wall
Glover	Moorer	Sessions	Ware
Goode	Moxley	Smith (Clay)	Mrs. Wilkins
Henson	Norman	Smith (Lee)	Williams
Hodgson	Odum	Snodgrass	Young

—60

H. 910. To amend section (1) and section (3) of an Act entitled "An Act to make better provision for the payment of the fees of State witnesses in criminal cases in the circuit court and county court and before the grand jury of Crenshaw county, to make appropriations therefor and to fix the amount of such fees and to prescribe the duties of the county treasurer under this Act. Local Act for Crenshaw county, approved Sept. 12th, 1919.

Was taken up. Mr. Moxley offered the following substitute for the bill:

Substitute for H. 910:

A BILL

To be entitled an Act to amend section 3 of an Act entitled "An Act to make better provision for the payment of the fees of State witnesses in criminal cases in the circuit court and county court and before the grand jury of Crenshaw county, to make appropriations therefor and to fix the amount of such fees and to prescribe the duties of the county treasurer under this Act." Local Acts for Crenshaw county, approved September 12, 1919.

1. Be it enacted by the Legislature of Alabama:

That section 3, of an Act entitled "An Act to make better provision for the payment of fees of State witnesses in criminal cases in circuit court and county court and before the grand jury of Crenshaw county, to make appropriations therefor and to fix the amount of such fees and to prescribe the duties of the county treasurer under this Act." Approved September 12, 1919.

Be amended so as to read as follows:

Section 3. The fees of witnesses in criminal cases in said circuit court and county court and before the grand jury, shall be seventy-five cents per day for each day of attendance and three cents for each mile traveled in going to and from court by the usual route of travel.

Be it further enacted, that all laws, or parts of laws, local or general in conflict with the provisions of this Act be and the

same are hereby repealed and that this Act shall take effect immediately upon its passage and the approval by the Governor.

And the substitute was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Long	Sessions
Allen	Fite	Love	Smith (Lee)
Blackwell	Forman	Luck	Snodgrass
Boykin	Glenn	Moorer	Sollie
Burns	Glover	Moxley	Thompson (Etowah)
Byars	Goode	Norman	Thompson (Jackson)
Cato	Graves	Odom	Tiller
Coleman	Grove	Parker	Tyson
Cook	Guy	Poole	Varner
Culver	Hall	Posey	Verner
Dickinson	Henley	Powell	Walker
Dowdle	Henson	Rives	Wall
Elliott	Howze	Rountree	Ware
Embry	Lee	St. John	Mrs. Wilkins
Fanning	LeMaistre	Sanders (Pike)	Williams

—60

And the bill:

H. 910. To amend section (1) and section (3) of an Act entitled "An Act to make better provision for the payment of the fees of State witnesses in criminal cases in the circuit court and county court and before the grand jury of Crenshaw county, to make appropriations therefor and to fix the amount of such fees and to prescribe the duties of the county treasurer under this Act. Local Act for Crenshaw county, approved Sept. 12th, 1919.

As amended by the substitute, was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Adams	Elliott	Jones	Rountree
Allen	Fite	Lee	St. John
Arrington	Forman	Letson	Sanders (Pike)
Ashcraft (Fayette)	Gaines	Long	Sessions
Ashcraft (Lauderdl.)	Glover	Love	Smith (Clay)
Boykin	Goode	Luck	Smith (Jefferson)
Burns	Graves	McGowen	Smith (Lee)
Burton	Grove	Melton	Stewart (Bibb)
Byars	Guy	Moorer	Stewart (Calhoun)
Coleman	Hall	Moxley	Thompson (Etowah)
Cook	Henley	Norman	Thompson (Jackson)
Culver	Henson	Odom	Verner
Dickinson	Howard	Poole	Ware
Dowdle	Howze	Posey	Mrs. Wilkins
Dunwoody	Jeter	Rives	Williams

—61

H. 819. To provide for the payment of funds out of the county treasury and to prohibit the drawing of warrants by any officer except the president of the board of revenue of Barbour county and to prohibit the payment of warrants drawn against the funds of said county, except when such warrants are drawn by the president of the board of revenue of Barbour county, Alabama, attested by the clerk of the board, and to give authority to the board of revenue of Barbour county, Alabama, to fix the compensation of the clerk of the board of revenue, provide for the payment thereof; and to repeal all laws in conflict with this Act.

Was taken up. The question was upon the adoption of the amendment reported by the **Standing Committee on Local Legislation**, said committee amendment being as follows:

Amend House bill 819 by adding to the end of section 2 thereof the following words: "Provided, however, that in no instance shall said clerk receive from the county a greater sum than \$1,500.00 per annum for any and all services rendered said Barbour county.

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Howard	Posey
Adcock	Fanning	Howze	Powell
Allen	Fite	Jeter	Rives
Bealle	Forman	Jones	Rountree
Blackwell	Glenn	Kilborn	Rutherford
Bowen, L. K.	Glover	Lee	Snodgrass
Burns	Goodwyn	Letson	Sollie
Burton	Graves	Long	Tiller
Calloway	Guy	Love	Tunstall
Cato	Hall	Luck	Tyson
Christian	Hatter	McGowen	Wall
Cook	Hawkins	Melton	Ware
Culver	Henson	Mooneyham	Mrs. Wilkins
Dickinson	Hodgson	Norman	Williams
Dowdle	Hornsby	Odum	Young

—60

And the bill:

H. 819. To provide for the payment of funds out of the county treasury and to prohibit the drawing of warrants by any officer except the president of the board of revenue of Barbour county and to prohibit the payment of warrants drawn against the funds of said county, except when such warrants are drawn by the president of the board of revenue of Barbour county, Alabama, attested by the clerk of the board, and to give authority to the board of revenue of Barbour county, Alabama, to fix the compensation of the clerk of the board of revenue, provide for the payment thereof; and to repeal all laws in conflict with this Act.

As amended, was read a third time at length and passed.
Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Gaines	Letson	Rountree
Adams	Glenn	Long	St. John
Adcock	Glover	Love	Sessions
Allen	Goodwyn	Luck	Snodgrass
Bealle	Graves	Melton	Sollie
Bowen, L. K.	Grove	Moorer	Tiller
Boykin	Guy	Moxley	Tyson
Burns	Hall	Odom	Varner
Burton	Hatter	Farker	Verner
Byars	Hawkins	Pickens	Walker
Cato	Henley	Poole	Wall
Cook	Henson	Posey	Walton
Culver	Jeter	Powell	Ware
Ferrell	Jones	Ringer	Williams
Fite	Lee	Rives	Young

—60

H. 413. To provide for the collection of a per capita road tax and for a license tax on all vehicles, including vehicles propelled by animals, electricity, gasoline, or other power whatsoever, to be used for the maintenance, building, upkeep and repair of public roads and bridges in Dale county, Alabama; to prescribe the manner and means of raising or collecting such tax; to provide for and regulate the working, building, maintenance, and upkeep of the public roads and bridges and to provide and fix penalties for the violation of the provisions and purposes of this Act.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Municipal Organization, said committee amendment being as follows:

Amend section 10 of House bill 413, so as to make the same read as follows, to-wit:

Section 10. There is hereby fixed, levied, imposed, and required to be paid an annual vehicle license tax upon all vehicles, propelled, driven, or drawn along, upon, or across the public roads, or any public roads, in Dale county, Alabama, as follows:

(a) For each wagon, or dray, used for hauling logs, timber, lumber, gasoline, kerosene, turpentine, naval stores, bottle drinks, cord wood, cross ties, stave material, shingle material, board material, machinery of any kind or coal for other than farming purposes, exclusively, drawn by two horses, mules, oxen, or any combination thereof, \$15.00.

(b) For each wagon or dray used for the purposes named above drawn by four horses, mules, or oxen, or any combination thereof, \$30.00.

(c) For each wagon or dray used for the purposes named above drawn by six horses, mules, or oxen, or any combination thereof, \$50.00.

(d) For each wagon or dray used for the purposes named above drawn by eight horses, mules, or oxen, or any combination thereof, \$75.00.

(e) For each one horse wagon, buggy, surrey, or cart used for other than farming purposes exclusively, \$7.50.

(f) For each two horse wagon, buggy, surrey, or cart, used for other than farming purposes exclusively, \$15.00.

(g) For each motor truck or automobile used for other than farming purposes exclusively, or used for hire with pneumatic tires:

(1) With one ton capacity and less, \$15.00.

(2) With over one ton and not over one and one-half tons capacity, \$25.00.

(3) With over one and one-half tons and not over two tons capacity, \$50.00.

(4) With over two tons and not over three tons capacity, \$75.00.

(5) With over three tons and not over four tons capacity, \$100.00.

(6) With over four tons capacity, \$150.00.

(h) For each motor truck or automobile used for other than farming purposes exclusively, or used for hire, with solid tires:

(1) With one ton capacity and less, \$25.00.

(2) With over one ton and not over one and one-half tons capacity, \$50.00.

(3) With over one and one-half tons and not over two tons capacity, \$100.00.

(4) With over two tons and not over three tons capacity, \$150.00.

(5) With over three tons and not over four tons capacity, \$200.00.

(6) With over four tons capacity, \$250.00.

(i) For each trailer with pneumatic tires:

(1) To trucks of one ton capacity and less, \$25.00.

(2) To trucks of over one ton and not over one and one-half tons capacity, \$37.50.

(3) To trucks of over one and one-half tons and not over two tons capacity, \$50.00.

(4) To trucks of over two tons and not over three tons capacity, \$62.50.

(5) To trucks of over three tons and not over four tons capacity, \$75.00.

(6) To trucks of over four tons capacity, \$100.00.

(j) For each trailer with solid tires:

- (1) To trucks of one ton capacity and less, \$50.00.
- (2) To trucks of over one ton and not over one and one-half tons capacity, \$62.50.
- (3) To trucks of over one and one-half tons and not over two tons capacity, \$75.00.
- (4) To trucks of over two tons and not over three tons capacity, \$87.50.
- (5) To trucks of over three tons and not over four tons capacity, \$100.00.
- (6) To trucks of over four-ton capacity, \$125.00.
- (k) For each tractor driven over the public roads, \$25.00.
- (l) For each tractor operating over the public roads for commercial purposes, \$50.00.

Provided said annual vehicle license tax shall not be required to be paid on any or other of said above named vehicles, when used by any farmer, for the purpose of hauling, or otherwise transporting, stove wood, lightwood, or cord wood, cut and severed from his own lands, to be sold, or otherwise disposed of, and consumed, in Dale county, Alabama.

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Howard	St. John
Adams	Dowdle	Hubbard	Sanders (Pike)
Adcock	Dunwoody	Jeter	Sessions
Allen	Embry	Jones	Smith (Clay)
Arrington	Fanning	Kilpatrick	Smith (Lee)
Bealle	Fite	Lee	Snodgrass
Blackwell	Gaines	Letson	Sollie
Bowen, L. K.	Goode	Long	Tiller
Boykin	Graves	Melton	Tunstall
Burton	Guy	Norman	Tyson
Byars	Hall	Odom	Verner
Cato	Hatter	Parker	Wall
Christian	Henson	Powell	Walton
Cook	Hodgson	Ringer	Ware
Culver	Hornsby	Rountree	Young

—60

And the bill:

H. 413. To provide for the collection of a per capita road tax and for a license tax on all vehicles, including vehicles propelled by animals, electricity, gasoline, or other power whatsoever, to be used for the maintenance, building, upkeep and repair of public roads and bridges in Dale county, Alabama; to prescribe the manner and means of raising or collecting such tax; to provide for and regulate the working, building, maintenance, and upkeep of the public roads and bridges and to provide and fix penalties for the violation of the provisions and purposes of this Act.

As amended, was read a third time at length and passed.
Yeas, 60; Nays, 0.

Yeas:

Messrs:

Adams	Ferrell	Melton	Smith (Clay)
Adcock	Glenn	Mooneyham	Smith (Lee)
Allen	Glover	Moorer	Snodgrass
Bealle	Goode	Norman	Sollie
Blackwell	Henley	Odom	Stewart (Calhoun)
Bowen, L. K.	Henson	Parker	Thompson (Etowah)
Burns	Hodgson	Pickens	Tiller
Burton	Hornsby	Poole	Tunstall
Canaway	Howard	Posey	Tyson
Cato	Howze	Ringer	Verner
Deloney	Lee	Rives	Walker
Dunwoody	LeMaistre	Rutherford	Walton
Elliott	Long	St. John	Mrs. Wilkins
Embry	Love	Sanders (Pike)	Williams
Fanning	Luck	Sessions	Young

—60

H. 875. To fix the salaries of executive officers, known and designated as marshals, in inferior courts in counties having a population of 200,000 or more, according to the last or any subsequent Federal census.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Jones	St. John
Adams	Fanning	Lee	Sessions
Adcock	Ferrell	Letson	Smith (Clay)
Allen	Fite	Long	Snodgrass
Arrington	Gaines	Melton	Sollie
Bealle	Glover	Moorer	Stewart (Bibb)
Blackwell	Goodwyn	Moxley	Thompson (Jackson)
Bowen, L. K.	Grove	Norman	Tiller
Burns	Guy	Odom	Tyson
Burton	Hall	Parker	Varner
Byars	Hatter	Pickens	Walker
Cato	Hornsby	Poole	Wall
Christian	Howard	Posey	Walton
Cook	Howze	Powell	Ware
Culver	Jeter	Rives	Williams

—60

S. 448. To provide for the election of a county superintendent of education for DeKalb county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for the election of his successor in office.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Howard	St. John
Adams	Dowdle	Howze	Sanders (Pike)
Adcock	Elliott	Hubbard	Sessions
Allen	Embry	Jones	Smith (Clay)
Arrington	Ferrell	Letson	Smith (Lee)
Bealle	Fite	Long	Sollie
Blackwell	Gaines	Luck	Stewart (Calhoun)
Boykin	Glenn	McDaniel	Thompson (Etowah)
Burns	Goode	Melton	Verner
Burton	Goodwyn	Mooneyham	Verner
Cato	Grove	Norman	Wall
Christian	Guy	Odom	Walton
Coleman	Hall	Pickens	Mrs. Wilkins
Cook	Henson	Poole	Williams
Culver	Hodgson	Rives	Young

—60

H. 947. To amend an Act entitled "An Act to provide a fund for support of a law library for the circuit court in counties of two hundred thousand or more inhabitants, without appropriations from the State or county treasury." Approved September 29th, 1919.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Adcock	Dunwoody	Jones	Rives
Allen	Elliott	Kilborn	Rountree
Arrington	Embry	Lee	St. John
Bealle	Ferrell	Letson	Sanders (Pike)
Blackwell	Fite	Long	Sessions
Boykin	Guy	Love	Tiller
Burns	Hall	Luck	Tunstall
Burton	Hampton	McDaniel	Tyson
Byars	Hatter	Norman	Verner
Cato	Hawkins	Odom	Walker
Cook	Henley	Parker	Wall
Culver	Howard	Poole	Ware
Deloney	Howze	Posey	Mrs. Wilkins
Dickinson	Hubbard	Powell	Williams
Dowdle	Jeter	Ringer	Young

—60

H. 992. To establish an inferior court in precinct 3 in Houston county, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct to be known as court of common pleas of Dothan, Alabama; to prescribe the qualifications and the term of office of the judge of said court, his compensation and the method of payment thereof; to provide for the appointment of the first judge of said court, the election of his successor at the general election held in the State in 1924 and thereafter every fourth year; to provide for

the filling of any vacancy in the office of judge; to provide for the appointment of a temporary judge and his compensation in the event of the temporary absence or disqualification or disability of the regular judge; to prescribe the powers, jurisdiction and duties of said court and the judge thereof and the pains and penalties of the judge of said court; to prescribe the procedure of said court and the manner of taking appeals therefrom to provide for the execution of the process of said court; to require all court costs, fines, forfeitures and penalties to be paid in lawful money and when collected paid to the depository of the county and to be kept in a separate fund to be known as "The Inferior Court Fund," to provide for the payment of the salary of the judge of the inferior court, for the necessary stationery of said court out of the inferior court fund; to provide that on the first day of January of each year after all previous claims against said fund have been paid that the excess remaining in the inferior court fund be transferred and paid into the fine and forfeiture fund of the county; to abolish the office of justice of the peace and notary public with powers of a justice of the peace in said precinct; to provide for the transfer of all cases pending in the courts of the justices of the peace and notary public with powers of justice of the peace in said precinct to the inferior court of said precinct and for the enforcement of all judgments uncollected in said courts.

Was taken up. Mr. Gaines offered the following amendment to the bill:

Amend section 9 so as to read as follows:

Section 9. That the judge of said court shall receive a salary of twelve hundred dollars per annum payable monthly out of the inferior court fund upon warrant drawn by the judge of probate of Houston county.

Amend section 11 so as to read as follows:

Section 11. All process issued out of said court shall be directed to any lawful officer of the State of Alabama and shall be executed by the sheriff of Houston county, Alabama, or his deputy, where execution may be had in said county, and in all other cases shall be executed in the same manner and by the same officers as though it had been issued by a justice of the peace. For services rendered in the execution of the process of said court the officer executing shall receive the same compensation as for executing process issued by justices of the peace and served by sheriffs, the same to be taxed and collected as taxed and collected in courts of the justices of the peace. Witnesses in said court shall be entitled to the same fees as in justice court to be taxed and collected as in said justice court.

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Adcock	Fite	Jeter	Powell
Allen	Gaines	Jones	Rives
Arrington	Glenn	Lee	Rountree
Bealle	Glover	Letson	St. John
Blackwell	Goode	Long	Sanders (Pike)
Bowen, L. K.	Graves	Love	Sessions
Calloway	Grove	Luck	Snodgrass
Cato	Guy	Melton	Sollie
Christian	Hall	Moorer	Tiller
Coleman	Henley	Moxley	Tyson
Cook	Henson	Norman	Varner
Culver	Hodgson	Odom	Walker
Deloney	Hornsby	Parker	Wall
Dickinson	Howard	Pickens	Walton
Ferrell	Howze	Poole	Ware

—60

And the bill:

H. 992. To establish an inferior court in precinct 3 in Houston county, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct to be known as court of common pleas of Dothan, Alabama; to prescribe the qualifications and the term of office of the judge of said court, his compensation and the method of payment thereof; to provide for the appointment of the first judge of said court, the election of his successor at the general election held in the State in 1924 and thereafter every fourth year; to provide for the filling of any vacancy in the office of judge; to provide for the appointment of a temporary judge and his compensation in the event of the temporary absence or disqualification or disability of the regular judge; to prescribe the powers, jurisdiction and duties of said court and the judge thereof and the pains and penalties of the judge of said court; to prescribe the procedure of said court and the manner of taking appeals therefrom to provide for the execution of the process of said court; to require all court costs, fines, forfeitures and penalties to be paid in lawful money and when collected paid to the depository of the county and to be kept in a separate fund to be known as "The Inferior Court Fund;" to provide for the payment of the salary of the judge of the inferior court, for the necessary stationery of said court out of the inferior court fund; to provide that on the first day of January of each year after all previous claims against said fund have been paid that the excess remaining in the inferior court fund be transferred and paid into the fine and forfeiture fund of the county; to abolish the office of justice of the peace and notary public with powers of a justice of the peace in said precinct; to provide for the transfer of all cases pending in the courts of the justices of the peace and notary public with powers of justice of the peace in said precinct to the inferior court of said pre-

cinct and for the enforcement of all judgments uncollected in said courts.

As amended, was read a third time at length and passed.
Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Henley	Powell
Adams	Fanning	Hornsby	Ringer
Adcock	Ferrell	Howard	Rives
Allen	Fite	Howze	St. John
Arrington	Forman	Jeter	Sanders (Pike)
Boykin	Gaines	Jones	Sessions
Burns	Glenn	Kilpatrick	Sollie
Burton	Glover	Lee	Stewart (Bibb)
Byars	Goode	McGowen	Tiller
Calloway	Graves	Mooneyham	Tunstall
Cato	Grove	Moorer	Tyson
Deloney	Guy	Moxley	Varner
Dickinson	Hall	Nichols	Verner
Dowdle	Hatter	Pickens	Mrs. Wilkins
Elliott	Hawkins	Poole	Williams

—60

H. 1003. For the relief of M. M. Striplin, who in 1920 erected a school house in District No. 8, Lauderdale county, Alabama, according to the one teacher State building plan, at a cost of sixteen hundred dollars, for which he thought the State would refund him four hundred fifty dollars upon his execution and delivery to the State of a conveyance of two acres of land on which said school building is located; and while the State has continuously used said building since its erection it has not accepted his deed nor paid him anything for said building.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Ashcraft (Lauderdl.)	Fite	McGowen	Snodgrass
Bealle	Goodwyn	Mooneyham	Sollie
Bowen, L. K.	Graves	Odom	Stewart (Calhoun)
Boykin	Grove	Parker	Thompson (Etowah)
Burns	Guy	Patterson	Thompson (Jackson)
Cato	Hall	Posey	Tiller
Christian	Hornsby	Powell	Tyson
Coleman	Howard	Ringer	Varner
Cook	Howze	Rountree	Verner
Culver	Jeter	Rutherford	Wall
Deloney	Jones	St. John	Walton
Elliott	Letson	Sanders (Pike)	Ware
Embry	Long	Sessions	Mrs. Wilkins
Fanning	Love	Smith (Clay)	Williams
Ferrell	Luck	Smith (Jefferson)	Young

—60

H. 1016. To extend the boundary lines of the town of Parrish, in Walker county, Alabama, so as to include in the territory of said corporation of the town of Parrish, in addition to the territory now embraced therein, the following described lands, to-wit: Beginning at the northwest corner of the northeast quarter of the northwest quarter of section 21, township 15 south, range 7 west, thence south five degrees east, three hundred and ninety-two and seven-tenths feet, thence south sixty degrees and twenty minutes east two hundred and thirteen and one-tenth feet, thence north forty degrees and thirty-five minutes, east five hundred and eighty feet, thence north thirty-two degrees and thirteen minutes, west three hundred and fifty-nine feet, thence south eighty-seven degrees and six minutes, west four hundred and fifty-four and five-tenths feet, thence south six degrees and three minutes, east two hundred and twenty-six and five-tenths feet to the place of beginning, all in Walker county, Alabama.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Hornsby	Poole
Adams	Elliott	Jeter	Powell
Adcock	Embry	Jones	Ringer
Allen	Fanning	Kilpatrick	Rountree
Arrington	Fite	Lee	St. John
Bealle	Forman	Love	Sessions
Blackwell	Glenn	Luck	Smith (Jefferson)
Bowen, L. K.	Glover	McDaniel	Tiller
Boykin	Graves	McGowen	Tunstall
Burton	Grove	Mooneyham	Tyson
Byars	Guy	Moorer	Walton
Cato	Hall	Norman	Ware
Coleman	Hawkins	Odom	Mrs. Wilkins
Culver	Henley	Parker	Williams
Dickinson	Hodgson	Pickens	Young

—60

H. 876. To extend the terms of office of certain members of the commissioners court of Lauderdale county, Alabama, and to further prescribe the terms of office of members of the commissioners court of said county, and the time and manner of the nomination and election of members of the commissioners court of said county.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Adcock	Arrington	Blackwell
Adams	Allen	Bealle	Bowen, L. K.

Boykin	Goode	Lee	Rives
Burton	Goodwyn	LeMaistre	Rountree
Byars	Grove	Letson	St. John
Coleman	Guy	Long	Snodgrass
Cook	Hall	Love	Sollie
Culver	Henley	Luck	Tyson
Dickinson	Henson	Moorer	Varner
Dowdle	Hodgson	Moxley	Walker
Elliott	Hornsby	Norman	Wall
Embry	Howard	Odom	Ware
Fanning	Howze	Poole	Mrs. Wilkins
Glenn	Jeter	Posey	Williams
Glover	Jones	Powell	Young

—60

H. 762. To amend sections one, two and three of an Act: "To divide Montgomery county into three revenue districts; make the members of the board of revenue elective by districts, fix their term of office; prescribe their qualifications; to provide for the appointment of members of said board until the next general election; to prescribe the method of filling vacancies; provide a clerk for said board, fix his salary and prescribe his duties." Approved February 28th, 1907.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Local Legislation, said committee substitute being as follows:

Substitute for House bill 762, by Committee on Local Legislation:

A BILL

To be entitled an Act to amend sections one, two and three of an Act: "To divide Montgomery county into three revenue districts; make the members of the board of revenue elective by districts, fix their term of office; prescribe their qualifications; to provide for the appointment of members of said board until the next general election; to prescribe the method of filling vacancies; provide a clerk for said board, fix his salary and prescribe his duties." Approved February 28th, 1907.

Be it enacted by the Legislature of Alabama:

That sections one, two and three of an Act: "To divide Montgomery county into three revenue districts, make the members of the board of revenue elective by districts, fix their term of office, prescribe their qualifications; to provide for the appointment of members of said board until the general election; to prescribe the method of filling vacancies; provide a clerk for said board, fix his salary and prescribe his duties." Approved February 28th, 1907, be amended so as to read as follows:

Section 1. That the county of Montgomery is hereby divided into three revenue districts to be known as the northern, south-

eastern and southwestern. The northern district shall be composed of and include the city of Montgomery and the territory now embraced in precincts known as Dooley's (8), McGehee's (9), Pike Road (17), Old Elam (18), Kendall's (19), Walker's (20), Mt. Meigs (21), Snowdown (22), and Cloverdale (23). The southeastern district shall be composed of and include the territory now embraced in precincts known as Porter's (12), Pine Level (3) and Dublin (14). The southwestern district shall be composed of and include the territory now embraced in precincts known as Kellough's (10), Robinson Cross Roads (11), Tucker's (15) and Union Academy (16).

Section 2. That the board of revenue of Montgomery county shall consist of five members, three members thereof to be elected by the qualified voters of the northern district, one member thereof to be elected by the qualified voters of the southeastern district and one member thereof to be elected by the qualified voters of the southwestern district.

Section 3. At the general election in 1924 and every four years thereafter, the qualified voters of said county shall elect the members of said board as herein provided. The term of office of the members shall be four years, beginning on the second Tuesday after the first Monday in November, 1924, and until their successors are elected and qualified.

And the substitute was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Adams	Embry	Jones	Ringer
Adcock	Gaines	Kilpatrick	Rives
Allen	Glenn	Lee	Rountree
Arrington	Glove	Love	St. John
Burns	Goode	Luck	Sessions
Burton	Goodwyn	McGowen	Snodgrass
Byars	Grove	Melton	Sollie
Calloway	Hall	Mooneyham	Tiller
Cato	Hampton	Moorer	Tyson
Coleman	Hawkins	Moxley	Walker
Cook	Henley	Norman	Wall
Culver	Henson	Patterson	Walton
Dickinson	Howze	Pickens	Ware
Dowdle	Hubbard	Posey	Mrs. Wilkins
Elliott	Jeter	Powell	Williams

—60

And the bill:

H. 762. To amend sections one, two and three of an Act: "To divide Montgomery county into three revenue districts; make the members of the board of revenue elective by districts, fix their term of office; prescribe their qualifications; to provide for the appointment of members of said board until the next general election; to prescribe the method of filling vacancies; provide a

clerk for said board, fix his salary and prescribe his duties." Approved February 28th, 1907.

As amended by the substitute, was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Hodgson	St. John
Adams	Deloney	Lee	Sanders (Pike)
Adcock	Dickinson	Letson	Sessions
Allen	Dowdle	Long	Smith (Clay)
Arrington	Dunwoody	Love	Snodgrass
Bealle	Ferrell	Luck	Sollie
Blackwell	Fite	McGowen	Tiller
Bowen, L. K.	Gaines	Melton	Tunstall
Boykin	Glenn	Moorer	Tyson
Burns	Glover	Moxley	Varner
Byars	Goode	Norman	Verner
Cato	Guy	Pickens	Walker
Christian	Hall	Poole	Walton
Coleman	Hatter	Ringer	Ware
Cook	Henley	Rives	Williams

—60

H. 739. To fix the compensation of circuit judges in all circuits of the State of Alabama which circuits are composed of only one county and have two judges, or which circuits may hereafter be composed of one county and have two circuit judges, and to provide that a portion of such salaries shall be paid out of the county treasury of the counties constituting the respective circuits.

Was taken up. Mr. Goodwyn offered the following amendment to the bill:

Amend section 1 of the bill to read as follows:

Sec. 1. That in all judicial circuits of the State of Alabama, which are now, or which may hereafter be composed of only one county, and having two judges, each of said circuit judges shall receive a salary of six thousand dollars per annum. Four thousand dollars of the salary of each of such judges shall be paid out of the State treasury, in equal monthly installments, as the salaries of other State officers are paid; and two thousand dollars of the salary of each of such judges shall be paid out of the county treasury of the county constituting such circuit, in twelve equal monthly installments, upon the warrant of the president of the board of revenue of such county.

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Love	Sessions
Bealle	Forman	Luck	Smith (Jefferson)
Blackwell	Gaines	McDaniel	Snodgrass
Boykin	Glenn	Melton	Sollie
Burns	Goode	Norman	Stewart (Calhoun)
Burton	Goodwyn	Odom	Thompson (Jackson)
Calloway	Hatter	Parker	Tiller
Christian	Henley	Patterson	Tyson
Coleman	Henson	Posey	Varner
Deloney	Hornsby	Powell	Verner
Dickinson	Howard	Rives	Wall
Dowdle	Hubbard	Rountree	Walton
Elliott	Jeter	Rutherford	Ware
Embry	Jones	St. John	Williams
Ferrell	Long	Sanders (Pike)	Young

—60

And the bill:

H. 739. To fix the compensation of circuit judges in all circuits of the State of Alabama which circuits are composed of only one county and have two judges, or which circuits may hereafter be composed of one county and have two circuit judges, and to provide that a portion of such salaries shall be paid out of the county treasury of the counties constituting the respective circuits.

As amended, was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Letson	Sanders (Pike)
Adams	Dunwoody	Long	Sessions
Adcock	Elliott	Love	Smith (Lee)
Allen	Embry	Luck	Snodgrass
Arrington	Fite	McDaniel	Stewart (Bibb)
Bealle	Forman	Melton	Stewart (Calhoun)
Blackwell	Goodwyn	Moorer	Thompson (Etowah)
Burton	Grove	Moxley	Thompson (Jackson)
Byars	Guy	Norman	Tiller
Calloway	Hall	Odom	Tyson
Cato	Hatter	Patterson	Varner
Christian	Henson	Ringer	Verner
Coleman	Howard	Rives	Walker
Cook	Howze	Rountree	Walton
Culver	Lee	St. John	Ware

—60

H. 915. To extend the boundary lines of the city of Mobile, Alabama, and exempt the added territory and property having a situs therein from city taxes for a period of fifteen years.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glenn	Lee	Sanders (Pike)
Adams	Glover	LeMaistre	Sessions
Adcock	Goode	Letson	Snodgrass
Bowen, L. K.	Graves	Luck	Sollie
Boykin	Grove	McGowen	Tiller
Burns	Guy	Melton	Tunstall
Byars	Hall	Moorer	Tyson
Cato	Hatter	Moxley	Varner
Coleman	Henley	Norman	Verner
Cook	Hodgson	Odom	Walker
Culver	Holcombe	Parker	Wall
Dowdle	Hubbard	Pickens	Walton
Ferrell	Jeter	Poole	Ware
Fite	Kilborn	Rives	Williams
Forman	Kilpatrick	St. John	Young

—60

H. 1000. To provide for the more efficient handling of juries in circuit courts of all counties of the State of Alabama having a population of two hundred thousand or more, according to the last or any subsequent Federal census, and to provide for the appointment of a jury, bailiff and clerk of the circuit court of every such county, to designate his duties and fix his compensation, and to provide for the payment of such compensation.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Arrington	Elliott	Howze	Posey
Boykin	Embry	Hubbard	Powell
Burns	Fanning	Jeter	Rives
Burton	Ferrell	Jones	Rountree
Byars	Fite	Letson	St. John
Calloway	Glover	Long	Sessions
Cato	Goode	Love	Snodgrass
Christian	Graves	Luck	Sollie
Coleman	Grove	McDaniel	Tiller
Cook	Hatter	Moorer	Varner
Culver	Hawkins	Moxley	Walton
Deloney	Henley	Odom	Ware
Dickinson	Hodgson	Parker	Mrs. Wilkins
Dowdle	Holcombe	Patterson	Williams
Dunwoody	Howard	Poole	Young

—60

H. 999. To provide for the retirement of teachers on pay in cities of 100,000 or more, according to the Federal census of 1920 or a subsequent Federal census.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Bealle

Blackwell

Bowen, L. K.

Boykin

Burns

Byars

Cato

Christian

Cook

Culver

Deloney

Dowdle

Elliott

Embry

Fite

Forman

Glover

Goode

Graves

Grove

Guy

Hall

Henson

Hodgson

Hornsby

Howard

Jeter

Jones

Kilpatrick

LeMaistre

Letson

Love

Luck

Mooneyham

Moxley

Odom

Parker

Posey

Powell

Rives

Rutherford

St. John

Sanders (Pike)

Sessions

Smith (Clay)

Smith (Jefferson)

Smith (Lee)

Snodgrass

Stewart (Bibb)

Stewart (Calhoun)

Thompson (Etowah)

Tyson

Varner

Walker

Wall

Walton

Ware

—60

H. 944. To further regulate the issuance of executions in the circuit courts of counties of more than two hundred thousand population, according to the last or any subsequent Federal census.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adcock

Allen

Arrington

Bealle

Blackwell

Bowen, L. K.

Boykin

Burns

Burton

Byars

Christian

Cook

Culver

Deloney

Dickinson

Dowdle

Elliott

Embry

Fanning

Ferrell

Fite

Glenn

Glover

Goode

Guy

Hall

Hatter

Hawkins

Henson

Holcombe

Hornsby

Hubbard

Jeter

Jones

Lee

Letson

Long

Love

Luck

McGowen

Melton

Norman

Pickens

Poole

Posey

Ringer

St. John

Sanders (Pike)

Sessions

Snodgrass

Sollie

Tiller

Tunstall

Tyson

Varner

Verner

Mrs. Wilkins

Williams

Young

—60

H. 943. To regulate the office of the clerks of the circuit court and registers of the circuit court in all counties of the State having a population of two hundred thousand or more, according to the last or any subsequent Federal census, and to provide for the method of paying the compensation of such clerks, registers and their employees, assistants, or other help.

Was taken up. Mr. Lewis Bowen offered the following substitute for the bill:

Substitute for H. 943:

A BILL

To be entitled an Act to regulate the office of the clerks and deputy clerks holding office and performing the duties of circuit court clerks at places other than the county site of the circuit court and registers of the circuit court in all counties of the State having a population of two hundred thousand or more according to the last or any subsequent Federal census, and to provide for the method of paying the compensation of such clerks, registers and their employees, assistants, or other help.

Be it enacted by the Legislature of Alabama:

Section 1. That in all counties of the State having a population of two hundred thousand or more according to the last or any subsequent Federal census, the salaries of the clerks and deputy clerks holding office and performing the duties of circuit court clerks at places other than the county site of the circuit court and registers of the circuit court and the employees, assistants or other help of such clerks and deputy clerks and registers shall be paid out of the general fund of such counties.

Section 2. That all laws or parts of laws in conflict herewith be and hereby are expressly repealed.

Section 3. This Act shall go into effect immediately after its passage.

And the substitute was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Adams	Fite	Letson	Rountree
Adcock	Glover	Long	Sessions
Allen	Goode	Love	Snodgrass
Blackwell	Goodwyn	Luck	Sollie
Bowen, Lewis	Grove	McGowen	Tiller
Bowen, L. K.	Hall	Melton	Tunstall
Boykin	Hampton	Moorer	Tyson
Burton	Hatter	Moxley	Varner
Byars	Henley	Norman	Verner
Cook	Henson	Odom	Walker
Culver	Hodgson	Parker	Wall
Deloney	Jeter	Pickens	Walton
Dickinson	Jones	Poole	Ware
Dowdle	Lee	Posey	Mrs. Wilkins
Ferrell	LeMaistre	Powell	Williams

And the bill:

H. 943. To regulate the office of the clerks of the circuit court and registers of the circuit court in all counties of the State having a population of two hundred thousand or more, according to the last or any subsequent Federal census, and to provide for the method of paying the compensation of such clerks, registers and their employees, assistants, or other help.

As amended by the substitute, was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Howze	Rountree
Adcock	Embry	Kilborn	St. John
Allen	Fite	Kilpatrick	Sanders (Pike)
Arrington	Forman	Lee	Sessions
Bealle	Gaines	Luck	Smith (Clay)
Blackwell	Glover	McDaniel	Smith (Lee)
Bowen, L. K.	Goode	Melton	Snodgrass
Boykin	Graves	Moorer	Sollie
Burns	Grove	Moxley	Stewart (Bibb)
Byars	Guy	Norman	Thompson (Etowah)
Calloway	Hatter	Parker	Tiller
Cato	Henley	Patterson	Walton
Coleman	Henson	Poole	Ware
Cook	Hornsby	Powell	Mrs. Wilkins
Deroney	Howard	Rives	Williams

—60

H. 1010. To divide Morgan county into five school districts and to provide for the election of a board of education for Morgan county and to prescribe their term of office, power and duties and to provide that one member of said board shall be elected from each school district.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Lee	St. John
Adams	Dowdle	LeMaistre	Sessions
Adcock	Forman	Luck	Smith (Clay)
Allen	Gaines	McDaniel	Smith (Lee)
Arrington	Glenn	McGowen	Snodgrass
Ashcraft (Fayette)	Glover	Mooneyham	Sollie
Ashcraft (Lauderdl.)	Goode	Norman	Stewart (Calhoun)
Bowen, Lewis	Graves	Odom	Thompson (Etowah)
Bowen, L. K.	Guy	Parker	Thompson (Jackson)
Burns	Hall	Pickens	Tiller
Byars	Henson	Poole	Tyson
Calloway	Hodgson	Posey	Varnier
Cook	Holcombe	Ringer	Walker
Culver	Howze	Rountree	Wall
Deloney	Kilpatrick	Rutherford	Williams

—60

H. 1011. To fix the compensation of the president and members of the board of revenue of Morgan county, and to repeal all laws in conflict with this Act.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Kilborn	Rives
Adams	Fite	Letson	Sanders (Pike)
Adcock	Forman	Long	Smith (Jefferson)
Bealle	Goodwyn	Love	Stewart (Bibb)
Blackwell	Graves	Luck	Tiller
Burns	Grove	Melton	Tunstall
Burton	Hampton	Moorer	Tyson
Cato	Hatter	Moxley	Verner
Christian	Hawkins	Norman	Walker
Coleman	Henley	Odom	Wall
Dowdle	Hornsby	Parker	Walton
Dunwoody	Howard	Pickens	Ware
Elliott	Hubbard	Poole	Mrs. Wilkins
Embry	Jeter	Powell	Williams
Fanning	Jones	Ringer	Young

—60

S. 468. To authorize, empower, and require the commissioners court, or other court of like jurisdiction of Chilton county, Alabama, to pay to the sheriff of Chilton county the sum of ten (\$10.00) dollars for each still, apparatus, appliance, parts thereof, or any device or substitute therefor, made, used, or designed for the manufacture of spirituous, vinous, or alcoholic liquor, captured, destroyed, or confiscated in said county by the sheriff or any of his deputies; to provide for the payment of said sum by proper warrant on the county treasurer of Chilton county on the presentation of claim by the sheriff stating when and where, as nearly as possible, said still, device, apparatus, or part thereof was captured or destroyed, the kind and capacity of same; said payment to be made by warrant drawn against the county treasury by the commissioners court, or other court of like jurisdiction; said warrant to be a preferred claim against the treasury of said county.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Adams	Dunwoody	Jones	Powell
Adcock	Elliott	Kilpatrick	Rountree
Allen	Fite	Lee	St. John
Bealle	Forman	Letson	Sessions
Blackwell	Gaines	Long	Smith (Lee)
Bowen, L. K.	Glover	Love	Snodgrass
Boykin	Goode	Luck	Sollie
Burton	Goodwyn	McGowen	Tiller
Byars	Hall	Melton	Tyson
Cato	Hatter	Moorer	Varner
Coleman	Henley	Moxley	Wall
Cook	Henson	Norman	Walton
Culver	Hodgson	Odom	Ware
Dickinson	Howze	Poole	Williams
Dowdle	Jeter	Posey	Young

—60

H. 1006. To establish a county court for Lawrence county; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that the said court shall be open at all times for the trial of cases and transaction of business; to prescribe rules and procedure of said court; and to provide branches of said court and to make provision for the transfer of certain cases now or hereafter pending in the circuit court of Lawrence county to the Lawrence county court.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Jeter	St. John
Adams	Ferrell	Jones	Sessions
Adcock	Fite	Lee	Smith (Lee)
Allen	Forman	LeMaistre	Snodgrass
Arrington	Glover	Luck	Sollie
Boykin	Goode	McGowen	Tiller
Burns	Grove	Melton	Tunstall
Burton	Guy	Mooneyham	Tyson
Byars	Hall	Norman	Varnar
Cato	Hawkins	Odom	Verner
Christian	Henley	Parker	Walker
Dickinson	Henson	Pickens	Walton
Dowdle	Holcombe	Powell	Ware
Dunwoody	Hornsby	Rives	Williams
Elliott	Howze	Rountree	Young

—60

H. 1008. To provide that in all cities in Alabama having a population of not less than 60,000 and not more than 150,000, according to the last Federal census of 1920, or any subsequent Federal census, which have adopted or may hereafter adopt the general commission form of government, the board of road and revenue commissioners, or other governing body of the respective counties may pay to the recorder for ex-officio services rendered by him in the trial of cases in the recorder's court wherein there is charged a violation of the laws of the State of Alabama, a sum not exceeding \$900.00 per annum, payable in twelve equal monthly installments out of the county treasury.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Adams	Byars	Ferrell	Henley
Allen	Christian	Fite	Henson
Bealle	Coleman	Goodwyn	Hodgson
Blackwell	Culver	Grove	Holcombe
Bowen, L. K.	Deloney	Guy	Hornsby
Boykin	Dickinson	Hall	Kilborn
Burton	Dowdle	Hampton	Lee

LeMaistre	Poole	Smith (Clay)	Varner
Love	Posey	Smith (Lee)	Verner
Luck	Ringer	Snodgrass	Wall
McGowen	Rives	Stewart (Bibb)	Walton
Melton	Rutherford	Stewart (Calhoun)	Ware
Moorer	St. John	Thompson (Etowah)	Mrs. Wilkins
Moxley	Sanders (Pike)	Thompson (Jackson)	Williams
Pickens	Sessions	Tyson	Young

—60

H. 892. To establish an inferior court to be known as the inferior court of Autauga county, Alabama, in lieu of all justices of the peace and notary publics ex-officio justices of the peace in Prattville precinct, or precinct No. 1 of Autauga county, Alabama; to define the jurisdiction and powers of said court and the judges and other officers thereof; to provide a place for holding said court, for the terms, salaries and compensation for the judge and other officers of said court, and the manner of their appointment or election and the payment of their salaries; and to define the jurisdiction and powers of said court and the judge thereof.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Howze	Sessions
Adams	Deloney	Kilpatrick	Smith (Clay)
Adcock	Dickinson	Lee	Smith (Lee)
Allen	Dowdle	LeMaistre	Snodgrass
Arrington	Fanning	Love	Sollie
Bealle	Forman	Luck	Tiller
Blackwell	Glenn	McGowen	Tunstall
Bowen, Lewis	Glover	Mooneyham	Tyson
Bowen, L. K.	Hall	Moorer	Varner
Boykin	Hatter	Parker	Verner
Burns	Henley	Pickens	Walker
Byars	Henson	Poole	Wall
Christian	Holcombe	Rives	Walton
Coleman	Hornsby	Rountree	Ware
Cook	Howard	Rutherford	Mrs. Wilkins

—60

H. 1009. To fix the compensation of assistant solicitors in circuits which are composed of only one county and having more than two and less than nine circuit judges or in circuits which may hereafter be composed of only one county having more than two and less than nine circuit judges, and to provide for such compensation to be paid out of the county treasuries of the counties constituting the respective circuits.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas: -

Messrs:

Adams	Elliott	Howard	Poole
Adcock	Embry	Howze	Posey
Allen	Ferrell	Jeter	Powell
Bealle	Fite	Jones	Rives
Blackwell	Forman	Kilborn	Rountree
Boykin	Gaines	Lee	St. John
Burton	Glenn	Letson	Sollie
Byars	Glover	Long	Tiller
Cato	Graves	Luck	Tyson
Christian	Grove	McDaniel	Varner
Cook	Guy	Melton	Verner
Culver	Hall	Norman	Wall
Deloney	Hawkins	Odom	Walton
Dowdle	Henson	Parker	Ware
Dunwoody	Holcombe	Pickens	Williams

—60

H. 832 (with substitute). Creating and establishing the juvenile court of Mobile county, defining its powers and jurisdiction and providing for the process and procedure of said court; for the equipment of said court, for the judge and officers of said court, their terms of office and their salaries, and defining their duties, and the payment by the board of revenue and road commissioners of Mobile county of all premiums that may accrue on account of the bond of the clerk thereof; for the transportation of the probation officers; for the service of process, including warrants, and the fees thereof and the payment of said fees; for the detention of juvenile delinquents; providing for a commission to aid in carrying out the work of the court and prescribing its duties; and providing for appeals from any final order or judgment of said court; making it an offense for any person knowingly and willfully to encourage, aid, abet, cause or connive at a state of delinquency of any child sixteen years of age, or under, or produce, promote, or contribute to the conditions which render any child delinquent, and providing the punishment therefor; providing for the transfer of certain cases to said juvenile court, providing for the support and maintenance in certain cases of delinquent children by the board of revenue and road commissioners of Mobile county, or by the parents or out of the estates of such children; providing for the apprehension of such children and the commitment of them to any family, association or institution; for the transportation of such children and the payment of the costs by Mobile county; providing for the commitment of juvenile delinquents to any family, association or institution within or without the State to which they may be, respectively committed, and providing for the payment of the costs thereof by the board of revenue and road commissioners of Mobile county; providing for payment by the city of Mobile, of one-half of the expenses arising out of the operation of said court; and for the

protection of said children against any disqualification of prejudice in any other court, or in the civil service of the State or municipality on account of any judgment or order of said court, or any confession, statement, declaration or admission or silence or demeanor of said juvenile delinquents, or any statement made to any person or officer of the court, and providing for the repeal of certain laws.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL

To be entitled an Act creating and establishing the juvenile court of Mobile county, defining its powers and jurisdiction and providing for the process and procedure of said court; for the equipment of said court, for the judge and officers of said court, their terms of office and their salaries, and defining their duties, and the payment by the board of revenue and road commissioners of Mobile county of all premiums that may accrue on account of the bond of the clerk thereof; for the transportation of the probation officers; for the service of process, including warrants, and the fees thereof and the payment of said fees; for the detention of juvenile delinquents; providing for a commission to aid in carrying out the work of the court and prescribing its duties; and providing for appeals from any final order or judgment of said court; making it an offense for any person knowingly and willfully to encourage, aid, abet, cause or connive at a state of delinquency of any child sixteen years of age, or under, or produce, promote, or contribute to the conditions which render any child delinquent, and providing the punishment therefor; providing for the transfer of certain cases to said juvenile court. Providing for the support and maintenance in certain cases of delinquent children by the board of revenue and road commissioners of Mobile county, or by the parents or out of the estates of such children; providing for the apprehension of such children and the commitment of them to any family, association, or institution; for the transportation of such children and the payment of the costs by Mobile county; providing for the commitment of juvenile delinquents to any family, association or institution within the state to which they may be, respectively committed, and providing for the payment of the costs thereof by the board of revenue and road commissioners of Mobile county; providing for payment by the city of Mobile, of one-half of the expenses arising out of the operation of said court; and for the protection of said children against any disqualification or prejudice in any other court, or in the civil service of the State or

municipality on account of any judgment or order of said court, or any confession, statement, declaration or admission or silence or demeanor of said juvenile delinquents, or any statement made to any person or officer of the court, and providing for the repeals of certain laws:

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby established a new court by the name of the juvenile court of Mobile county, which shall hold its sitting in the city of Mobile.

Section 2. There is hereby created a juvenile court commission, which shall be composed of seven resident citizens of said county, which shall be chosen from the membership of those institutions in said county which are concerned in the care, education and welfare of youths of both sexes, and who shall serve without compensation. The board of commissioners of the city of Mobile, shall appoint three members of said board who shall hold office at the pleasure of said board of city commissioners, and the board of revenue and road commissioners of Mobile county shall appoint three members of the said juvenile court commission, who shall hold office at the pleasure of the said board of revenue and road commissioners. The six members of the juvenile court commission thus appointed shall choose the seventh member of said juvenile court commission, who shall hold office for two years, or until his successor shall be chosen. Women shall be eligible to membership on said juvenile court commission. A majority of the members of said juvenile court commission shall constitute a quorum. Said commission shall annually choose its president, vice-president, secretary and treasurer, who shall hold office until their respective successors have been elected and qualified.

The Secretary shall record its proceedings, and its officers shall perform the usual duties indicated by their titles.

Said juvenile court commission shall perform amongst others the following duties: (A) They shall elect the judge of said court and all paid officers, employees and servants thereof, except the clerk. (B) They shall visit the institutions or persons receiving children under this Act so as to keep supervision over them, and advise and co-operate with the judge upon all matters affecting the court, and recommend measures for carrying out the provisions of this Act, whenever called on by the judge, or whenever it appears proper or necessary. (C) They shall elect the superintendents, matrons and other employees of the detention homes provided for by local statutes for Mobile county or city, or general laws. (D) And they shall exercise such powers and duties as may be now or hereafter imposed by law, and such as are necessary or proper for performing the functions above stated.

But they shall not any of them preside over the court or be its clerk or other officers except as above stated.

Section 3. Said juvenile court within the boundaries of said county shall have original and conclusive jurisdiction over all cases coming within the terms and purview of this Act. But said juvenile court shall have no jurisdiction over cases of non-support of wife by husband when the husband and wife have no minor children.

It shall adjudicate and determine all cases of children sixteen years of age, or under, providing they are delinquent within the meaning of this Act, and of all who contribute to said delinquency as hereinafter set out.

Section 4. Said juvenile court shall be presided over by a judge, who must not be under twenty-five years of age, and learned in the law, and shall during his tenure reside in said county, and lose the office on removal of residence therefrom. A vacancy of his office shall be filled by the juvenile court commission. His term shall be one year and until his successor is elected and qualified. The judge presiding at the time of the approval of this Act shall hold office until expiration of the term for which he was elected. He may practice law insofar as it does not interfere with his duties as a judge, but not in any case or matter that arose in said juvenile court. His salary shall be fixed by the juvenile court commission, upon his election, at not less than \$200.00 per month, payable in monthly installments out of the treasury of said county. But if said salary should be fixed at more than \$200.00 per month, it shall only become effective when it is approved by the board of revenue and road commissioners of Mobile county and the board of commissioners of the city of Mobile.

Section 5. There shall be a clerk of the said court, who shall administer oaths, issue process and writs from the court and papers from the judge, file and keep all books, records, papers and other property pertaining to the court; prepare papers for appeals from the court; and perform all other duties in connection with the court or judge as the court or judge may from time to time prescribe or require of him, and he shall be and remain under the supervision and direction of the judge and obey all his instructions.

The clerk shall be appointed by the judge and hold office at the will of the judge appointing him and hold during such judge's tenure. The clerk may be a woman.

The clerk shall be paid a salary of not more than one hundred and twenty-five dollars per month, or at the rate for the time he or she serves, said salary to be fixed subject to approval of board of revenue and road commissioners and board of commissioners of city of Mobile.

Before entering upon his duty the clerk shall execute bond, with such surety as the judge may prescribe, in a penalty of one thousand dollars payable to said county with condition to faithfully discharge the duties of clerk during incumbency and to properly account for all money or property that may come into his hands as clerk, and conditioned otherwise as may be prescribed by the judge, who shall approve the bond and deliver it to the county treasurer for safe-keeping. Suits may be brought upon it by anyone aggrieved by its breach, until its penalty is exhausted.

All necessary original and renewal premiums on the clerk's bond shall be paid by the county.

Section 6. All officers and employees of the court who receive compensation, excepting the judge and clerk, shall hold their places at the will of said juvenile commission.

There shall be a chief probation officer, and a colored probation officer who shall be under the supervision of the chief probation officer, and as many others to be determined by the juvenile court commission, but subject to the approval of the said board of revenue and road commissioners and said board of commissioners of the city of Mobile, as may be necessary or proper, in order to perform the duties made necessary by the business of the court. They may be men or women and their salaries shall be fixed by the juvenile court commission; subject, however, to approval of said board of revenue and road commissioners, and said board of commissioners of the city of Mobile, and all salaries shall be paid out of the county treasury.

The chief probation officer shall be paid not less than \$100.00 per month, payable in monthly installments out of the treasury of Mobile county and at the same rate for a fraction of a month of service.

Section 7. The revenue and road commissioners, or whatever name they may be known by, of said county shall provide suitable quarters for the use of juvenile court and all such fittings and furniture and paraphernalia, books, stationery, cabinet files and equipment, and other facilities, as are reasonably necessary or proper for carrying out the purposes and provisions of this Act.

Section 8. The judge shall have authority to devise or adopt and cause to be used all such forms and records, blanks and stationery, process, writs, and petitions and other documents, as he may deem convenient and proper for transaction of the court's business.

Section 9. The judge shall have power to make and enforce rules and regulations for controlling and governing the officers, employees and the procedure of the court. And so may the juvenile court commission in its sphere, but not in conflict with the judge-made rules.

Section 10. Said juvenile court or judge presiding shall have the power to punish anyone who knowingly refuses or fails to obey or disregards any judgment or order or rule of the court, as for a contempt; or punish anyone who knowingly opposes, interferes with or obstructs any officer of the court in the performance of duty under this Act; or anyone who by acts or omission, conduct, speech, or otherwise, disturbs the judge or court while in session, or any officer of the court, so as to hinder the orderly conduct of its business, and said juvenile court shall have all the power of the circuit court in contempt matters, and the same penalties in force for the recorder's court of the city of Mobile shall be in force for the juvenile court for contempt.

Section 11. The sheriff, any police officer, marshal, humane officer, or other deputies, holding office in said county, or any probation officer, of said juvenile court, shall execute and return writs or process issuing out of said juvenile court, or returnable thereto, preserve order, make arrests, serve notices, and perform the orders and directions of said juvenile court or its judge in the discharge of his powers or duty.

Section 12. When a child within the age specified in this Act for juveniles is arrested or brought before any magistrate, court or officer, other than said juvenile court, such court, magistrate or officer shall promptly transfer the child and the case and all papers in that connection, to said juvenile court, and all orders proper therefor shall be made, and it shall be the duty of such other court, magistrate or officer, as the case may be, to effectuate such transfer. Whereupon the child and case shall stand for examination or trial in said juvenile court, as in other cases therein, and said child shall be dealt with as if the case had originated in said juvenile court.

Section 13. Whenever a child within said age is taken in custody under this Act, or arrested as for the violation of any law, and it appears to the juvenile court or judge to be advisable or necessary in order to have the child in court, that the child be forcibly detained, then said court or judge may, in his discretion, forcibly detain temporarily said child for safe-keeping, pending the hearing. But a sheriff, or jailer, police officer, marshal or their deputies, shall not imprison the child in the same room with an adult prisoner, or other prisoners.

Section 14. Whenever under the terms of this Act a juvenile or other person is committed to jail, it shall be either the county jail or the city jail, according to the circumstances, and the officers in charge shall receive such juvenile or other person and keep him safely until removed or discharged by law therefrom. (See 28.)

Section 15. Any person sixteen years of age, or under, is a juvenile delinquent under this Act:

(A) Who has violated any ordinance of a town or city within said county of Mobile, or any law of the State of Alabama, or (B) Who knowingly associates with thieves or vicious or immoral persons, or (C) Who begs in the streets or highways or thoroughfares or other public places; or (D) Who knowingly enters a house of ill fame; or (e) Who knowingly visits or patronizes any policy shop, or any place where any gambling device or gaming is operated or carried on; or (F) Who knowingly visits any place where intoxicating liquors are sold or given away, or unlawfully stored, kept or handled; or (G) Who knowingly visits a bucket shop; or (H) Who knowingly visits a pool room or billiard saloon, or public place where pool or billiards are played; or (I) Who wanders in the night time about the streets, highways, thoroughfares, without being on any bona fide lawful business or occupation; or (J) Who wanders or loafs about railroad yards or railroad tracks or jumps or hooks onto any moving or standing street railroad car or dummy line car, or any car or vehicle drawn by motor power, whether the child be riding or afoot, when he so does not as a passenger paying fare and bona fide to ride as a passenger; or (E) Who enters without authority any engine or car of whatever kind; or (L) Who is truant from school; or (M) Who is guilty of immoral conduct; or (N) Who habitually uses vile, obscene, indecent, insulting or profane language whether in the presence of females or others; or (O) Who is habitually in dishonorable surroundings.

Section 16. All proceedings against juveniles under this Act shall be on the theory that the child is a ward of the State, and not a criminal, but rather as misdirected and in need of assistance, kindness, and firmness of control and direction of his ways, and it shall not be treated or deemed a criminal.

The child shall not be denominated a criminal by virtue of any adjudication under this Act, nor shall any such adjudication ever be denominated a conviction of the child. The child shall not be a convict hereunder. Adjudication under this Act shall not operate to disqualify the juvenile, not to disqualify after attaining majority, from holding any office, place, or position, under any state, or under any municipal or other civil service.

Confessions or admissions of any kind, declarations or statements, made by a juvenile delinquent to said juvenile court or judge, or to any other officer, or to any person, or the child's manner or demeanor, or silence or answer, when accused or questioned, shall not be competent or admissible evidence against the child in any court or proceedings other than said juvenile court or on appeal from said juvenile court, in investigations or examinations conducted for the child's welfare and in its interests; and other courts shall not admit the same.

The style of the proceeding on the docket of the juvenile and appellate court shall be "In the Matter of.....a Juvenile."

And all the provisions of this Act shall be construed liberally for the effectuation of its beneficent purposes concerning the juvenile and the duty shall be constant upon the court to give to each child subject to its jurisdiction such oversight and control as to advance the welfare of the child and the interests of the State. So far as practicable and best, the court shall preferably exercise its supervisory care by retaining juveniles in their own homes, under the supervision of a probation officer rather than elsewhere; and when the child is committed to a foster home, the family receiving the child must receive it and agree to rear and educate it as a member of the family.

Section 17. Any person knowing, or being informed and having reason to believe, that a juvenile is delinquent within the purview of this Act, may file in the court a verified petition briefly setting forth the facts. Thereupon the court or judge may make or cause to be made by the probation officer of his selection, or some other proper person, an investigation, and may require the child to appear or be brought before the court, at a time fixed in the process issued, either a notice to be served upon the parent or parents, guardian, or other trustee of the child or any person obligated by law to its support, or any one standing to it in loco parentis, or anyone or other having custody or control of the child, commanding the production of the child in court, or the appearance in court of such juvenile, or else a warrant of arrest.

The court shall have power to punish as a contempt the failure or refusal of anyone directed to produce the child in court as required by notice accepted or served.

Upon service accepted of notice, or upon arrest of the child, the judge shall have power to accept a bond, with penalty fixed by him not exceeding \$500 signed by one or more reputable citizens, except in case of felonies the judge shall fix whatever amount he may think proper with sufficient surety, and payable to said county, approved by him, and conditioned that the child shall appear in court at a time to be fixed by the court, and upon its acceptance the child shall be released or left temporarily in some custody for safe-keeping, so as not to be committed to jail.

On the failure to make or take such bond, the child may be detained under the order of the court, at a detention home of the county or city of Mobile, or in some institution selected by the judge, or in the custody of some officer or other person designated by the court, or also committed to jail as provided hereinafter, pending the examination or hearing.

Upon breach of the condition of the bond accepted, the court may issue such other process or notice as may appear proper to

bring the child in, which shall be executed forthwith; and the court shall have power to take forfeitures, as in other courts, upon the bond, against the sureties only, and enforce its judgments in that regard as other courts might do.

Section 18. At the time fixed by continuance or otherwise, the court, shall proceed to hear and investigate the facts, examining into the circumstances and conditions of the child's surroundings and environment, sufficiently to enable the rendition of proper judgment so as to best subserve the child's welfare and carry out the purposes of this Act.

The circuit solicitor or his assistant solicitor shall aid the court when called upon in any proceeding against juveniles, and shall represent the county in all cases appealed from said juvenile court, in the circuit court or appellate court as the case may be, or both.

Section 19. The court shall have power to put the child on probation, at its own residence, or in a suitable home, or elsewhere, subject to the control of the court and visitation by its officers until discharged from the probation or require the child to report to court, or detention home, at regular intervals; or may commit the child to some institution within or without the county if it be an institution maintained by the State or by any subdivision hereof, or incorporated under the laws of the State, and which taxes care of children, or may commit it to the care of any person, family, corporation, society or association of persons, that cares for children; and under such stipulations, restrictions or conditions, or agreements, as the court may prescribe or require or agree to.

If the child is committed to any institution or other custodian other than the child's own kin or family, and those obligated for its support or undertaking its support, have the means they may be ordered by the court and required to provide for the child's reasonable support; and in whosoever custody the child is committed, if the child have an estate devotable therefor or sufficient therefor, the court may order and require its support therefrom to be provided by proper person or official. Or else cause proceedings therefor to be taken and carried out in other proper courts.

If no one obligated by law for its support is able to provide it, or if the child have no estate of sufficient value or devotable therefor, the court may commit the child to some home, or school or reformatory in this State that will receive and care for the child.

Section 20. If the court commit a white boy to Alabama Boys' Industrial School, or similar institution now or hereafter maintained by the State or any of its subdivisions; or a white girl to the State Training School for Girls, the Alabama Home of

Refuge, or the Mercy Home Industrial School, or a similar institution now or hereafter maintained by the State or any of its subdivisions; or a colored child to the Alabama Reform School for Juvenile Negro Law Breakers, or a similar institution maintained by the State or any of its subdivisions; such commitment shall be until the child shall be discharged or released by order of said juvenile court, or if a female, until she reaches the age of eighteen years or marries, and otherwise until the child attains the age of twenty-one years. Such is the maximum limit of commitment in all cases.

Section 21. For each and every conviction of a juvenile under this Act for a misdemeanor not involving moral turpitude, the maximum amount of time which said juvenile can be committed to any local detention home or institution shall not exceed the maximum amount of time he or she could have been sentenced to hard labor or to jail had he or she been tried and convicted in any of the city or county courts for the commission of said misdemeanor. For each and every conviction of a misdemeanor or a felony involving moral turpitude, the maximum amount of time which said juvenile can be committed to any institution mentioned in this Act shall be discretionary with the judge so committing.

Section 22. Any judgment or order of said juvenile court in any proceeding against a juvenile, shall be subject to such modification or revision from time to time as said court or the appellate court having jurisdiction, shall determine to be the child's interest.

Section 23. The expense of transportation of juveniles committed to any home, society, person, family, corporation, institution, or association other than a member or members of its own family shall be paid by said county, unless otherwise provided.

Section 24. Within fifteen days after the day of rendition of a final judgment by said juvenile court against the child, an appeal may be taken by the child, or by his next friend, parent, guardian, trustee or guardian ad litem named by said juvenile court to act for the child, to the circuit court in said county, in their own names.

In no event shall the taking of an appeal release the child from the court's custody and control so as to put it at large, unless an appeal bond is executed by such appellant, payable to said county, in a penalty fixed by the judge, with good and sufficient surety or sureties, approved by the judge, and conditioned that the child shall appear in said circuit court till discharged by due course of law; and the appeal, without bond, shall not suspend the judgment appealed from nor discharge the child from custody of the juvenile court or its officers, or of the institution, person or persons into whose care the child may have been com-

mitted, if the juvenile court shall enter an order ascertaining that to suspend the judgment or release the child would endanger the child's welfare and ordering it not suspended or released. Such order may be subject to review by the circuit judges or judge by habeas corpus proceedings as other cases are reviewed.

Appeals under this section shall take precedence over all other business of the court to which an appeal is taken.

The circuit court shall try such appeal de novo and defendant shall have right to trial by jury if demanded in writing by him as required in other cases in circuit court and the court shall have the power to render such judgment as said juvenile court should have rendered under this Act, or remand the case with instructions.

It shall cause its judgment to be certified down to said juvenile court, which shall make such judgment its own, and enter such further orders from time to time as are proper to carry it out. If the circuit court does not dismiss the cause or does not discharge the child from custody it shall remand the child to the jurisdiction of the juvenile court for its supervision and care, but if it dismiss the appeal the juvenile court shall continue its jurisdiction; and when retained, or upon such remandment the juvenile shall remain under the jurisdiction of said juvenile court as if it had rendered said certified judgment in the first instance, or as if an appeal had not been taken.

Section 25. It shall be a misdemeanor for any person in said county of Mobile, willfully, or knowingly to encourage, aid, abet, connive at, contribute to, promote or cause the delinquency of any person sixteen years of age, or under, as herein defined. Said juvenile court shall have jurisdiction of all such misdemeanors and shall cause any person guilty thereof, to appear or to be brought before the court, either upon summons or upon other notice, or upon warrant of arrest, after affidavit showing probable cause, for such orders and judgments as the court may see proper to make in accordance with this section.

The accused shall have the right to bail, in a sum to be fixed by the court or judge, payable to the county, with surety to be determined by the court or judge, and conditioned to appear in said juvenile court from time to time to be fixed by the court or judge until discharged in due course and to be approved by said judge.

In default of bond, the accused may be committed to jail, pending disposition of his case by the juvenile court.

The cause shall be styled the State of Alabama against the accused, by whatever name known or called.

At the time fixed by continuance or otherwise the court shall hear the cause, and, upon finding the defendant guilty of an offense under this section, shall have power to enter and enforce

such orders or judgment as to the court shall seem best fitted to ameliorate the evils resulting from the acts or omissions of the accused affecting such delinquency. Whether by way of punishment of the guilt ascertained by imposing upon the defendant a fine not exceeding three hundred dollars and hard labor for the county for not over six months or imprisonment in the county jail for not over six months, or any one of such penalties last above prescribed.

The court shall have power to at any time suspend the operation of judgment rendered, for such a period, not exceeding six months, as it may determine, and may put the convicted defendant upon probation during the whole or part of the time or period of such suspension, all upon such conditions and terms as the court may determine as expressed in its order of suspension or in any undertaking or obligation below provided for; and it shall have the power to require, or the judge to agree that the defendant execute a bond, or covenant, payable to the county, with or without surety as the judge or court may determine, in such penalty or terms as the court may prescribe, conditioned that the defendant will comply with orders of the court, as the case may be recited in such covenant or bond and the court in its discretion, shall have the power to release the defendant temporarily or on parole, during the whole or part of such suspension. The judge shall approve such bond or covenant, have it entered in the records of the court, retain the same, and whenever the defendant shall fail to comply or break its conditions or the agreement, the judge may deliver the same over to the court of county commissioners for such action as it may take concerning the same.

The court may avail of the services of the treasurer of said juvenile commission, and thereupon the treasurer shall obey its orders, or the judge or clerk may be depository and disbursing officer, on defendant's compliance.

The juvenile court shall have power to revoke such suspension whenever the defendant's conduct makes it appear proper so to do, either by failure to comply, or upon violation of terms, and conditions, or otherwise. Revocation shall revive the judgment suspended or so much thereof as remains unfulfilled. Defendant shall have right to appeal from said order of revocation or judgment within 30 days and in the manner now provided by law.

The court may always issue process to take or retake a defendant into custody and for the exercise of its jurisdiction.

If defendant's guilt is not confessed, not his bond or covenant to perform accepted by the court or judge, he shall have right of appeal to the circuit court, aforesaid. He shall take appeal by giving notice of appeal in open court, or else by written notice of

appeal filed in the juvenile court, all within 30 days after the day of rendition of the final judgment against him.

If having appealed he make bond in penalty fixed by the court or judge, payable to the county, with sufficient surety or sureties, conditioned to appear in the circuit court trial at the time set and until discharged in due course of law, approved by the judge of the juvenile court, then the defendant shall be released from custody by order of the juvenile court, and in the absence of such bond, so approved he shall be confined in jail until he make such bond, and thereupon he shall be released by order of the juvenile court, for the time being. At any time after his release he may be required, by the juvenile court, for good cause, to make new or additional bond, or be recommitted to jail till he shall make such a bond or be discharged in due course of law.

Notice of appeal may be withdrawn at any time before such bond is made, within such 30 days. Whenever under this Act the defendant makes a bond the court may upon notice and due cause require him to make additional or new bond, and the appeal courts may make like requirements from time to time, and as often as necessary, and enforce such order.

The clerk shall certify the appeal to the circuit court, together with a transcript of the record and with all such papers in the cause as necessary or proper to show the proceedings below, or pertinent to a hearing on appeal.

On the appeal trial the defendant shall have a jury trial by demanding it in the same way and time as on other appeals to the circuit court.

The appeal case shall be tried in the circuit court de novo and the court, if without a jury, shall render such judgment as the juvenile court should have rendered under this Act. The circuit court shall have like discretion as the juvenile court. The jury question shall be whether or not the defendant is guilty, and the jury shall not impose the punishment. The court shall render judgment according to verdict, unless it sets the verdict aside, and according to the provisions of this Act, as well as according to its own practice; and it may render a judgment against the sureties jointly with or separately from the defendant.

The defendant may appeal to the court of appeals, or the supreme court, according to the jurisdiction of the appellate court, upon the same conditions, and in the same way and in the same time as provided for appeals to the circuit court.

Whenever the appeal is not taken in such 30 days, or judgment rendered in the highest court acquiring jurisdiction is certified down, the judgment shall be certified by the circuit clerk to said juvenile court and be made the judgment of the latter court. If the defendant be thereby required to perform or pay anything he shall be remanded to the custody and powers of the juvenile

court, and like proceedings shall go forward as if the judgment had been rendered by the juvenile court in first instance or as if no appeal had been taken. If either of the appellate courts shall suspend the sentence or judgment rendered and put the defendant on probation, as it shall have power to do, it shall fix the conditions and terms thereof in its judgment of suspension, and the defendant shall be likewise remanded to said juvenile court for its supervision and control, and same as if the juvenile court had itself put him on probation.

Section 26. Costs or fees shall not be charged against any juvenile delinquent, but may be against one contributing to such delinquency and coming within the purview of section twenty-five of this Act.

Payment thereof may be enforced or added time of punishment given for non-payment thereof, as in other courts.

Section 27. The judge of said court shall have the power to appoint temporarily, when necessary, someone to act as judge, pro tem, and who shall have like qualifications as judge, and who shall perform his duties in his absence, or disability, and while acting said judge pro tem shall receive the same salary that the judge receives, provided that one salary between them be paid. If said judge should fail or be unable to appoint a judge pro tem, and the necessity of such an appointment should arise, then the juvenile court commission shall have the power to appoint said judge pro tem. While acting as said judge of said court the judge pro tem shall have all powers of the judge of said court.

Section 28. The jails meant in the foregoing Act are the jails of the county, or that of a city, or incorporated town therein, as the case may be, and the jailers thereof shall obey the orders of said juvenile court and be subject to its jurisdiction and powers. (See S. 14.)

Said juvenile court may take forfeitures of bonds as other courts may, and enforce the same in an appropriate way.

Section 29. The clerk of the board of revenue and road commissioners of Mobile county, Alabama, shall present to the board of revenue and road commissioners of Mobile county, monthly statements showing true and correctly all the items of expense including all costs of transportation of juveniles and officers to and from institutions arising out of the operation and in connection with the said juvenile court, and cost of maintenance of said court, not including the costs of furnishing quarters and the equipment thereof, in the way of furniture, such as tables, desks, chairs, and benches or other things that become a part of the realty, but including all other matters of expense or cost. Such statements should be recorded in the records of the juvenile court and in the minutes of said board of revenue and road commissioners. Said board of revenue and road commissioners shall

cause a statement of such monthly expenses so presented to it to be filed with the board of city commissioners, or other governing authorities of the city of Mobile, and it shall be the duty of said city of Mobile to pay the county of Mobile one-half of the amount incurred for such expense.

Section 30. This Act shall go into operation and effect in all its penal or other provisions 30 days after its being approved by the Governor, or becoming a law under the Constitution, and without such approval. The officers, including the juvenile court commission of the former juvenile court of Mobile county, shall be the corresponding officers of the court hereby created, and serve until their successors shall be duly appointed.

Section 31. Upon this Act going into operation and effect, all matters and cases pending in any other or former juvenile court at the time created by the Legislature, for said county of Mobile, and all the books, papers, records, paraphernalia and property of every kind pertaining to such former juvenile court, shall be transferred forthwith to the juvenile court hereby created, to be heard or treated in accordance with this Act. The duty of effectuating such transfers shall devolve upon the persons who were the judge and clerk or either of said former juvenile court at the time this Act goes into operation, and the transfer shall be made at once.

Section 32. All the laws and parts of any law in conflict with any of the provisions of this Act, including all former local laws creating any juvenile court in and for said county of Mobile, are hereby repealed. But nothing herein contained shall be construed as to repeal any portion of that certain local act providing for detention homes for juvenile delinquents in Mobile county and approved March 8, 1915.

Section 33. If any provision or section of this Act shall be declared unconstitutional, the remaining sections or provisions thereof shall not be affected. But the same shall remain in full force and effect.

And the substitute was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs.

Mr. Speaker	Cato	Goodwyn	Kilpatrick
Adcock	Christian	Grove	LeMaistre
Allen	Cook	Hatter	Letson
Arrington	Deloney	Hawkins	Luck
Ashcraft (Lauderd')	Dickinson	Holcombe	McDaniel
Blackwell	Fanning	Hornsby	McGowen
Bowen, L. K.	Fite	Howze	Melton
Boykin	Glenn	Hubbard	Moorer
Burns	Glover	Jones	Moxley
Burton	Goode	Kilborn	Odom

Parker	St. John	Snodgrass	Verner
Patterson	Sanders (Pike)	Sollie	Wall
Powell	Sessions	Stewart (Calhoun)	Walton
Rives	Smith (Clay)	Thompson (Jackson)	Ware
Rutherford	Smith (Lee)	Varner	Williams

—60

And the bill:

H. 832. Creating and establishing the juvenile court of Mobile county, defining its powers and jurisdiction and providing for the process and procedure of said court; for the equipment of said court, for the judge and officers of said court, their terms of office and their salaries, and defining their duties, and the payment by the board of revenue and road commissioners of Mobile county of all premiums that may accrue on account of the bond of the clerk thereof; for the transportation of the probation officers; for the service of process, including warrants, and the fees thereof and the payment of said fees; for the detention of juvenile delinquents; providing for a commission to aid in carrying out the work of the court and prescribing its duties; and providing for appeals from any final order or judgment of said court; making it an offense for any person knowingly and willfully to encourage, aid, abet, cause or connive at a state of delinquency of any child sixteen years of age, or under, or produce, promote, or contribute to the conditions which render any child delinquent, and providing the punishment therefor; providing for the transfer of certain cases to said juvenile court, providing for the support and maintenance in certain cases of delinquent children by the board of revenue and road commissioners of Mobile county, or by the parents or out of the estates of such children; providing for the apprehension of such children and the commitment of them to any family, association or institution; for the transportation of such children and the payment of the costs by Mobile county; providing for the commitment of juvenile delinquents to any family, association or institution within or without the State to which they may be, respectively committed, and providing for the payment of the costs thereof by the board of revenue and road commissioners of Mobile county; providing for payment by the city of Mobile, of one-half of the expenses arising out of the operation of said court; and for the protection of said children against any disqualification of prejudice in any other court, or in the civil service of the State or municipality on account of any judgment or order of said court, or any confession, statement, declaration or admission or silence or demeanor of said juvenile delinquents, or any statement made to any person or officer of the court, and providing for the repeal of certain laws.

As amended by the substitute, was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Henson	Ringer
Adams	Dickinson	Holcombe	Rives
Adcock	Dowdle	Hornsby	Rountree
Allen	Elliott	Howard	Rutherford
Arrington	Embry	Howze	Sanders (Pike)
Blackwell	Ferrell	Kilborn	Sessions
Boykin	Fite	Luck	Snodgrass
Burns	Glenn	McDaniel	Sollie
Burton	Glover	McGowen	Tiller
Byars	Goode	Moorer	Tyson
Calloway	Goodwyn	Moxley	Varner
Cato	Grove	Odom	Walker
Christian	Hall	Parker	Walton
Cook	Hampton	Patterson	Ware
Culver	Henley	Powell	Williams

—60

H. 1015. To abolish and dissolve the municipal corporation of the town of Townley, in Walker county, Alabama.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Allen	Dunwoody	Howze	Rives
Arrington	Embry	Jeter	St. John
Bealle	Fanning	Jones	Sessions
Blackwell	Ferrell	Lee	Snodgrass
Boykin	Fite	Long	Sollie
Burns	Glover	Love	Tiller
Burton	Goode	Luck	Tunstall
Calloway	Graves	Melton	Tyson
Cato	Grove	Mooneyham	Verner
Christian	Guy	Odom	Walker
Coleman	Hall	Parker	Wall
Cook	Henley	Pickens	Walton
Culver	Henson	Poole	Ware
Deloney	Hornsby	Powell	Williams
Dowdle	Howard	Ringer	Young

—60

H. 964. Prescribing the salary and the manner of payment of the same, of the chief deputy sheriff for Walker county, Alabama."

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Allen	Boykin	Byars
Adams	Arrington	Burns	Calloway
Adcock	Bealle	Burton	Cato

Coleman	Graves	Kilpatrick	Rives
Cook	Grove	LeMaistre	Rountree
Culver	Hall	Letson	Rutherford
Deloney	Hampton	Luck	Sanders (Pike)
Elliott	Hatter	McDaniel	Sessions
Embry	Hawkins	McGowen	Snodgrass
Fanning	Hodgson	Melton	Sollie
Forman	Holcombe	Moorer	Tiller
Gaines	Hornsby	Moxley	Varner
Glenn	Howze	Norman	Verner
Glover	Hubbard	Patterson	Ware
Goodwyn	Kilborn	Posey	Mrs. Wilkins

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ADJOURNMENT.

Under a joint resolution heretofore adopted, on motion of Mr. Long, the House adjourned until Tuesday, Sept. 18th, at 10 o'clock A. M.

FORTY-SIXTH DAY.

House of Representatives,
Tuesday, September 18th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Bosdell of the city of Montgomery.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Mr. Speaker	Christian	Goode	Jeter
Adams	Coleman	Goodwyn	Jones
Adcock	Cook	Graves	Kilborn
Allen	Culver	Grove	Kilpatrick
Arrington	Deloney	Guy	Lee
Ashcraft (Fayette)	Dickinson	Hall	LeMaistre
Ashcraft (Lauderdl.)	Dowdle	Hampton	Letson
Bealle	Dunwoody	Hatter	Long
Blackwell	Elliott	Hawkins	Love
Bowen, Lewis	Embry	Henley	Luck
Bowen, L. K.	Fanning	Henson	McDaniel
Boykin	Ferrell	Hodgson	McGowen
Burns	Fite	Holcombe	Melton
Burton	Forman	Hornsby	Mooneyham
Byars	Gaines	Howard	Moorer
Calloway	Glenn	Howze	Moxley
Cate	Glover	Hubbard	Nichols

Norman	Rives	Snodgrass	Varner
Odum	Rountree	Sollie	Verner
Parker	St. John	Stewart (Bibb)	Walker
Patterson	Sanders (Conecuh)	Stewart (Calhoun)	Wall
Pickens	Sanders (Pike)	Thompson (Etowah)	Walton
Poole	Sessions	Thompson (Jackson)	Ware
Posey	Smith (Clay)	Tiller	Williams
Powell	Smith (Jefferson)	Tunstall	Young
Ringer	Smith (Lee)	Tyson	

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A quorum was present.

REPORT OF COMMITTEE ON REVISION OF JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Forty-Fifth Legislative Day, and finds same correct.

O. W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Forty-Fifth Legislative Day was approved.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

H. 894. To require the several county officials of Autauga County, Alabama, to secure the approval of the Board of Revenue, before making any purchases for the stationery or supplies for their respective offices.

Also:

H. 821. To provide for the establishment, discontinuance, construction and working and maintenance of the public roads and bridges of Barbour County, Alabama, to define the duties and powers of the Board of Revenue of said county with a regard to the same, to authorize the Board of Revenue of said county to adopt a vehicle tax in said county and to adopt and prescribe a per capita road tax in said county, and to give to the Board of Revenue legislative powers in regard to roads, a vehicle tax and per capita tax for the road purposes in said county and to fix penalties for violations of the rules, regulations and laws of the Board of Revenue of said county.

Also:

H. 818. To regulate fine and forfeiture fund of Barbour County, Alabama, to require the register of claims against said fund, and same to be presented to the clerk of the board of revenue and payment of claims once each year against said fund and to regulate registration of such claims and to transfer any surplus to the credit of said funds to the general or road fund of said county as may be directed by the board of revenue. To require all persons or officers of the county whose duty it shall be to collect revenues and money belonging to Barbour county to forward to the clerk of the board of revenue a statement of all monies collected and to what fund deposited and showing the amount of money so deposited in the depository of the county and from what source the same was collected.

Also:

H. 995. To provide for the election of a County Superintendent of Education for Bibb County, Alabama, to prescribe his qualifications and to fix his term of office.

Also:

H. 820. To prohibit the payment of certain expenses of the school superintendent and officers of school boards of the county out of the general funds of the county, and to provide for the payment of the operations of schools and calling of elections for school purposes out of the school funds of the county. To regulate the drawing of warrants against the funds of the county and to prohibit the payment of warrants not drawn in accordance with this Act.

Also:

H. 876. To extend the terms of office of certain members of the Commissioners Court of Lauderdale County, Alabama, and to further prescribe the terms of office of members of the Commissioners Court of said county, and the time and manner of the nomination and election of members of the Commissioners Court of said county.

Also:

H. 762. To amend sections one, two and three of an Act: "To divide Montgomery county into three revenue districts; make the members of the board of revenue elective by districts, fix their term of office; prescribe their qualifications; to provide for the appointment of members of said board until the next general election; to prescribe the method of filling vacancies; provide a clerk for said board, fix his salary and prescribe his duties." Approved February 28th, 1907.

Also:

H. 739. To fix the compensation of circuit judges in all circuits of the State of Alabama which circuits are composed of only one county and have two judges, or which circuits may hereafter

be composed of one county and have two circuit judges, and to provide that a portion of such salaries shall be paid out of the county treasury of the counties constituting the respective circuits.

Also:

H. 915. To extend the boundary lines of the city of Mobile, Alabama, and exempt the added territory and property having a situs therein from city taxes for a period of fifteen years.

Also:

H. 1000. To provide for the more efficient handling of juries in Circuit Courts of all counties of the State of Alabama having a population of two hundred thousand or more, according to the last or any subsequent Federal census, and to provide for the appointment of a jury, bailiff and clerk of the Circuit Court of every such county, to designate his duties and fix his compensation, and to provide for the payment of such compensation.

Also:

H. 999. To provide for the retirement of teachers on pay in cities of 100,000 or more, according to the Federal census of 1920 or a subsequent Federal census.

Also:

H. 944. To further regulate the issuance of executions in the Circuit Courts of counties of more than two hundred thousand population, according to the last or any subsequent Federal census.

Also:

H. 943. To regulate the office of the clerks of the Circuit Court and Registers of the Circuit Court in all counties of the State having a population of two hundred thousand or more, according to the last or any subsequent Federal census, and to provide for the method of paying the compensation of such clerks, registers and their employees, assistants, or other help.

Also:

H. 1010. To divide Morgan County into five school districts and to provide for the election of a Board of Education for Morgan County and to prescribe their term of office, power and duties and to provide that one member of said board shall be elected from each school district.

Also:

H. 1011. To fix the compensation of the President and members of the Board of Revenue of Morgan County, and to repeal all laws in conflict with this Act.

Also:

H. 1006. To establish a county court for Lawrence County; to define its jurisdiction and powers; to provide for its officers,

their powers, duties and compensation; to provide that the said court shall be open at all times for the trial of cases and transaction of business; to prescribe rules and procedure of said court; and to provide branches of said court and to make provision for the transfer of certain cases now or hereafter pending in the Circuit Court of Lawrence County to the Lawrence County Court.

Also:

H. 892. To establish an Inferior Court to be known as the Inferior Court of Autauga County, Alabama, in lieu of all Justices of the Peace and Notary Publics Ex-Officio Justices of the Peace in Prattville Precinct, or Precinct No. 1 of Autauga County, Alabama; to define the jurisdiction and powers of said court and the Judges and other officers thereof; to provide a place for holding said court, for the terms, salaries and compensation for the Judge and other officers of said Court, and the manner of their appointment or election and the payment of their salaries; and to define the jurisdiction and powers of said court and the Judge thereof.

Also:

H. 1009. To fix the compensation of assistant solicitors in circuits which are composed of only one county and having more than two and less than nine circuit judges or in circuits which may hereafter be composed of only one county having more than two and less than nine circuit judges, and to provide for such compensation to be paid out of the county treasuries of the counties constituting the respective circuits.

Also:

H. 1015. To abolish and dissolve the municipal corporation of the town of Townley, in Walker County, Alabama.

Also:

H. 964. Prescribing the salary and the manner of payment of the same, of the chief deputy sheriff for Walker county, Alabama."

Also:

H. 875. To fix the salaries of executive officers, known and designated as marshals, in Inferior Courts in counties having a population of 200,000 or more, according to the last or any subsequent Federal census.

Also:

H. 901. To create the office of an additional Judge of the Circuit Court in all counties now or hereafter having a city with a population of more than one hundred thousand, according to the last or any subsequent Federal census, to provide for the powers, jurisdiction, authority and duties, salary and manner of payment of salary of such additional judge.

Also:

H. 910. To amend Section 3 of an Act entitled "An Act to make better provision for the payment of the fees of State witnesses in criminal cases in the Circuit Court and County Court and before the Grand Jury of Crenshaw County, to make appropriations therefor and to fix the amount of such fees and to prescribe the duties of the County Treasurer under this Act." Local Acts for Crenshaw County, approved September 12, 1919.

Also:

H. 1027. To provide for and establish in each and all counties of this State which now have a population of two hundred thousand people, or more, according to the last Federal census, or which shall hereafter have such population, or more, according to any such census hereafter taken, a court to be designated the court of domestic relations; to provide that such courts shall be courts of record; to define the jurisdiction, powers and authority of such courts; to provide the means necessary, proper or convenient for the exercise thereof, and to regulate same; to provide for a senior judge, and an associate judge, or such courts, and for such other officers and employees, as are necessary or convenient for the exercise of its jurisdiction, and for their compensation; to provide for and regulate the procedure in such courts; to authorize the senior judge of said courts to determine the form of records; to provide for appeals from said courts, and to regulate same; to fix and regulate the taxing of costs in such courts; to provide for the transfer to the jurisdiction of such courts certain causes pending in the circuit court and other courts in such counties and all causes pending in juvenile courts in such counties, and all wards and probationers of such juvenile courts in such counties; to provide that if any section, paragraph or other part of this Act shall be declared unconstitutional, that such decision shall not affect the remainder thereof; to repeal all laws and parts of laws inconsistent, or in conflict with this Act, and to designate when this Act shall take effect, and to abolish all Juvenile Courts in all such counties.

Also:

H. 922. To provide for the approval of any contract or contracts, plans, specifications, architectural design and equipment for the erection of any court houses, jails and hospitals by the Court of County Commissioners and Boards of Revenue in all counties having a population of two hundred thousand or more according to the last or any subsequent Federal census. .

Also:

H. 819. To provide for the payment of funds out of the county treasury and to prohibit the drawing of warrants by any officer except the president of the board of revenue of Barbour

county and to prohibit the payment of warrants drawn against the funds of said county, except when such warrants are drawn by the president of the board of revenue of Barbour county, Alabama, attested by the clerk of the board, and to give authority to the board of revenue of Barbour county, Alabama, to fix the compensation of the clerk of the board of revenue, provide for the payment thereof; and to repeal all laws in conflict with this Act.

Also:

H. 413. To provide for the collection of a per capita road tax and for a license tax on all vehicles, including vehicles propelled by animals, electricity, gasoline, or other power whatsoever, to be used for the maintenance, building, upkeep and repair of public roads and bridges in Dale county, Alabama; to prescribe the manner and means of raising or collecting such tax; to provide for and regulate the working, building, maintenance, and upkeep of the public roads and bridges and to provide and fix penalties for the violation of the provisions and purposes of this Act.

Also:

H. 947. To amend an act entitled "An Act to provide a fund for support of a Law Library for the Circuit Court in counties of two hundred thousand or more inhabitants, without appropriations from the State or County treasury." Approved September 29th, 1919.

Also:

H. 1003. For the relief of M. M. Striplin, who in 1920 erected a school house in District No. 8, Lauderdale County, Alabama, according to the one teacher State building plan, at a cost of Sixteen Hundred Dollars, for which he thought the State would refund him Four Hundred Fifty Dollars upon his execution and delivery to the State of a conveyance of two acres of land on which said school building is located; and while the State has continuously used said building since its erection it has not accepted his deed nor paid him anything for said building.

Also:

H. 992. To establish an Inferior Court in Precinct 3 in Houston County, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct to be known as Court of Common Pleas of Dothan, Alabama; to prescribe the qualifications and the term of office of the Judge of said Court, his compensation and the method of payment thereof; to provide for the appointment of the first judge of said court, the election of his successor at the general election held in the State in 1924 and thereafter every fourth year; to provide for the filling of any vacancy in the office of

judge; to provide for the appointment of a temporary judge and his compensation in the event of the temporary absence or disqualification or disability of the regular judge; to prescribe the powers, jurisdiction and duties of said court and the judge thereof and the pains and penalties of the judge of said court; to prescribe the procedure of said court and the manner of taking appeals therefrom to provide for the execution of the process of said court; to require all court costs, fines, forfeitures and penalties to be paid in lawful money and when collected paid to the depository of the County and to be kept in a separate fund to be known as "The Inferior Court Fund;" to provide for the payment of the salary of the Judge of the Inferior Court, for the necessary stationery of said court out of the Inferior Court fund; to provide that on the first day of January of each year after all previous claims against said fund have been paid that the excess remaining in the Inferior Court fund be transferred and paid into the fine and forfeiture fund of the County; to abolish the office of Justice of the Peace and Notary Public with powers of a Justice of the Peace in said precinct; to provide for the transfer of all cases pending in the courts of the Justices of the Peace and Notary Public with powers of Justice of the Peace in said precinct to the Inferior Court of said precinct and for the enforcement of all judgments uncollected in said courts.

Also:

H. 1016. To extend the boundary lines of the Town of Parrish, in Walker County, Alabama, so as to include in the territory of said corporation of the Town of Parrish, in addition to the territory now embraced therein, the following described lands, to-wit: Beginning at the northwest corner of the northeast quarter of the northwest quarter of Section 21, Township 15 south, range 7 west, thence south five degrees east, three hundred and ninety-two and seven-tenths feet, thence south sixty degrees and twenty minutes east two hundred and thirteen and one-tenth feet, thence north forty degrees and thirty-five minutes, east five hundred and eighty feet, thence north thirty-two degrees and thirteen minutes, west three hundred and fifty-nine feet, thence south eighty-seven degrees and six minutes, west four hundred and fifty-four and five-tenths feet, thence south six degrees and three minutes, east two hundred and twenty-six and five-tenths feet to the place of beginning, all in Walker County, Alabama.

Also:

H. 1008. To provide that in all cities in Alabama having a population of not less than 60,000 and not more than 150,000, according to the last Federal census of 1920, or any subsequent Federal census, which have adopted or may hereafter adopt the

general commission form of government, the Board of Road and Revenue Commissioners, or other governing body of the respective counties may pay to the recorder for ex-officio services rendered by him in the trial of cases in the recorder's court wherein there is charged a violation of the laws of the State of Alabama, a sum not exceeding \$900.00 per annum, payable in twelve equal monthly installments out of the county treasury.

Lee Glenn,
Chairman.

The report of the Committee was concurred in and adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 52. To provide for the relief of Ennis Roy Jones, and to authorize the payment to him out of the State treasury of the sum of five hundred dollars (\$500.00) to compensate him for services rendered the State as a convict, he never having been sentenced to serve as such.

Also:

H. 340. To repeal an act entitled an act, To incorporate the Prattville Male and Female Academy in the county of Autauga, approved February 23rd, 1860.

Also:

H. 634. To fix the compensation of deputy clerks of the circuit court, holding office and performing the duties of circuit court clerks at any place other than the county site of such county, of all counties having a population of more than two hundred thousand (200,000) according to the last or any subsequent Federal census.

Also:

H. 714. To provide that the tax collector of Coffee county shall pay to the treasurer of the city board of education all district taxes for school purposes where the same is levied and collected in all towns in Coffee having 1,000 population according to last or any succeeding Federal census and whose council elects a city board of education, and to provide for paying out the same by such treasurer of the city board of education.

Also:

H. 626. To authorize, empower, and require the commissioners court, board of revenue, or other court of like jurisdiction of Shelby county, Alabama, to pay to the sheriff of Shelby county, out of the funds of the county treasury of said county, the sum of

ten dollars for each still or device captured, destroyed or confiscated in said county made, or used for the manufacture of spirituous or alcoholic liquor, and to provide for the payment of said sum by proper warrant on the county treasury of Shelby county on the presentation of claim by the sheriff of Shelby county having attached to the same an affidavit of said sheriff stating when and where, as near as possible, said still or device was captured or destroyed, the kind and capacity of same. Said payment to be made by warrant drawn against the County Treasury by the Commissioners Court, Board of Revenue or other court of like jurisdiction, said warrant to be preferred claim against the Treasury of said County.

Also:

H. 701. To provide for the better building, maintenance and protection of the public roads and bridges and ferries of Limestone county; to provide funds, regulations and penalties to carry the provisions and purposes of this Act into effect; to provide for the appointment of a county engineer and to fix his duties.

Also:

H. 523. To give effect to the amendment to section 93 of the Constitution of Alabama adopted at the November election, 1922, enabling the State "when authorized by appropriate laws, passed by the Legislature to engage in the work of internal improvement, of promoting, developing, constructing, maintaining, and operating all harbors or seaports within the State or its jurisdiction at a cost not exceeding ten million dollars;" to authorize the State of Alabama to engage in the work of internal improvement of promoting, developing, constructing, maintaining, and operating all harbors or seaports within the State or its jurisdiction, including all kinds of terminal facilities at seaports, and therein and thereafter to borrow money through the issuance and sale of its bonds, or otherwise therefor, but not to exceed in the aggregate ten million dollars; to prescribe the powers and authority of the State in respect to said development; to abolish the present State Harbor Commission and to create in lieu thereof an agency of the State to be known as the State Docks Commission; to provide for the management and control of all of said operations by said agency; to prescribe and define the powers and duties of such agency; to confer upon said agency all powers, duties and authority now vested in the State Harbor Commission; to confer upon said agency the power and authority to fix reasonable charges for services rendered pursuant to this Act by the State, or under its authority, and for the use of its facilities acquired under authority of this Act; to require all persons and corporations rendering like services, or furnishing similar facilities, to make charges therefor at least as great as the reasonable charges fixed by such agency; to reg-

ulate generally the acquisition, development and operation by the State of harbor improvements; including all kinds of terminal facilities at seaports; and to repeal all laws in conflict with this Act.

Also:

H. 904. To establish a board of revenue for Marengo county, and for the abolishment of the court of county commissioners of said county.

Also:

H. 761. To provide and create a commission form of municipal government and to establish same in all cities of Alabama ~~which now have or which may hereafter have a population of as~~ much as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office, to fix their powers, duties and compensation, to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials and otherwise provide for the creation and maintenance of said commission form of government.

Also:

H. 668. To provide additional duties and confer additional powers on each member of the court of county commissioners of Crenshaw county, Alabama, in supervising the construction, maintenance and upkeep of the roads and bridges in his district; to extend the time now allowed by law to county commissioners of Crenshaw county for the discharge of their official duties and to fix their salary and mileage.

Also:

H. 605. To authorize county boards of education in counties of two hundred thousand (200,000) or more population according to the Federal census of 1920 or any subsequent Federal census; to create and maintain pension funds for teachers; to make and collect assessments against teachers' salaries to be placed to the credit of pension funds; to accept gifts and bequests to pension funds; and to require said boards of education to retire on pension teachers who meet conditions hereinafter set forth.

Jas. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are

set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Wall:

H. R. 224. Resolved that H. B. No. 489 be made a special, paramount and continuing order, immediately after report of Standing Committees on the 47th Legislative Day.

And the resolution was referred to the Committee on Rules.

By Mr. Powell:

H. R. 225. Resolved that H. B. 1026 be made a special and continuing order for the 47th Legislative Day.

And the resolution was referred to the Committee on Rules.

By Mr. Powell:

H. R. 226. Resolved that H. B. 143 be made a special, continuing order for the 47th Legislative Day.

And the resolution was referred to the Committee on Rules.

By Mr. Powell:

H. R. 227. Resolved that H. B. 862 be made a special, continuing order for the 47th Legislative Day.

And the resolution was referred to the Committee on Rules.

By Mr. Glenn:

H. R. 228. Resolved that the following Senate bills be made special, paramount and continuing orders for the 47th Legislative Day immediately following the reading of the Journal: S. 263; S. 260; S. 261, and S. 266.

And the resolution was referred to the Committee on Rules.

By Mr. Goodwyn:

H. J. R. 229. Whereas, no man in Alabama has done more for the cause of good roads than John Craft, he having devoted more than a quarter of a century and spent freely of his substance in an effort to,—

“Take Alabama Out of the Mud.”

And whereas it is our desire to render honor where honor is due,

Be it resolved by the House, the Senate concurring, that the life and labors of John Craft as an unselfish and patriotic citizen is commended to all men.

Resolved further that a copy of these resolutions be filed in the Department of Archives and History.

And the rules were suspended and the resolution was adopted.

By Mr. Goode:

H. R. 230. Resolved by the House that H. B. No. 680 and H. B. 708 be made special, paramount and continuing orders for the 47th Legislative Day.

And the resolution was referred to the Committee on Rules.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Guy:

H. 1056. To regulate the use of cemeteries or burying grounds in the State of Alabama, and to prescribe a penalty for violation of same.

Revision of Laws.

By Mr. Guy:

H. 1057. To provide for reward for the killing of hawks and owls, except sparrow hawks and screech or barn owls, to fix such rewards and provide the method of payment of same.
Game, Fish and Forestry Preservation.

By Mr. Grove:

H. 1058. To provide that no person who has successfully passed an examination for a Mobile Bay and Bar Pilot, or either, shall be required to undergo or pass another examination before being entitled to his license or status as a Mobile Bay and Bar Pilot, notwithstanding the board or commission under which said person was examined has been abolished.

Local Legislation.

By Mr. Grove:

H. 1059. To provide for the casting, registering, recording and counting of ballots or votes at any general, regular, special, or primary election held in all counties in the State of Alabama having a population of not less than seventy-five thousand and not more than two hundred thousand, according to the last or any subsequent Federal census, by means of voting machines; to provide for the purchase of same, and to repeal all acts or parts of acts inconsistent herewith.

Local Legislation.

By Mr. Odom (with notice and proof):

H. 1060. To cause the County Board of Education of Lamar County to have published in some county paper, a complete annual statement of the financial transactions of the Board.

Local Legislation.

Notice and proof H. 1060:

NOTICE.

Notice is hereby given that there will be introduced in the present session of the Legislature of Alabama a bill in substance as follows:

A bill to be entitled an Act, to cause the County Board of Education of Lamar County to have published in some county paper, a complete annual statement of the financial transactions of the Board.

Be it enacted by the Legislature of Alabama:

Section 1. That the County Board of Education of Lamar County, Alabama, shall cause to be prepared and published annually, in the month

of October, in some newspaper published in Lamar County, a statement of the financial transactions of the Board, which statement shall contain an itemized account of all receipts and expenditures of said board. Such statement must show the total amount of school funds received by the county and the sources from which derived, the amount expended for teachers' salaries in each of the several school districts of the county and the amount paid out of the school funds for any other purpose than teachers' salaries must be shown and shall include the name of the person to whom paid, the amount of each of such items, and the purpose for which said amounts were expended.

Section 2. That all laws in conflict with the provisions of this act be and the same are hereby repealed.

Section 3. That this act shall go into effect immediately upon approval by the Governor.

Charles Odom,
Representative Lamar County.

State of Alabama, }
Lamar County. }

Before me, J. T. Maddox, Judge of Probate in and for said County, personally appeared Flavius McDougal, Editor and Publisher of the Lamar Democrat, a newspaper published in said County, who after being duly sworn, deposes and says that the attached notice was published four consecutive weeks in said newspaper on the following dates, viz: August 22nd, August 29th, September 5th and September 12th, inclusive.

Flavius McDougal.

Subscribed and sworn to before me this 15th day of September, 1923.

J. T. Maddox,
Judge of Probate.

By Mr. Fite:

H. 1061. Relating to desertion or non-support of wives by husbands and of a child, or children, by parents in all counties of this State which now have a population of Two Hundred Thousand people, or more, according to the last Federal census, or which shall have such population, or more, according to any such census taken hereafter, and which counties now have, or which may hereafter have, a Court of Domestic Relations; to make it a misdemeanor for a husband to desert, neglect, or fail to provide for the support of his wife, or for a parent to desert, neglect, or fail to provide for the support of his or her child, or children, under eighteen years of age in such counties; to prescribe the penalty therefor; to define who are meant by parent or parents; to designate the courts which shall have original and exclusive jurisdiction to try such misdemeanors in such counties; to prescribe the procedure and authority of such courts and judges in such cases; to define the obligation of such counties in such cases; to provide for the apprehension and punishment of persons charged with or convicted of such offense; to provide for the taking of probation bonds, and directing to whom fines and proceeds of such probation bonds when forfeited and collected, shall be paid in such cases; to provide for recording probation bonds, and the effect thereof; to provide for the appointment or designation of probation officers and prescribing their

duties and authority in such cases; to provide that the sheriffs and other peace officers of such counties shall act as probation officers in certain contingencies; to determine the venue in such cases; and to prescribe the rules of evidence therein; and to fix the time when this Act shall go into effect.

Local Legislation.

By Mr. Fite:

H. 1062. Relating to dependent, neglected or delinquent children in all counties of Alabama which have a population of as many as Two Hundred Thousand people according to the last Federal census, or which shall have such population according to ~~any such census that may be taken hereafter, and which counties~~ now have, or which counties shall hereafter have a Court of Domestic Relations; to define who are dependent, neglected or delinquent children; to declare that such children shall be wards of the Domestic Relations Courts of such counties; to provide for their protection, guardianship, custody, care, supervision, discipline, and generally for their welfare; to confer upon such Domestic Relations Courts in such counties original and exclusive jurisdiction and authority to adjudicate and enforce all questions and matters arising under or provided for by the terms of this Act, and to confer upon such courts full power and authority to try and determine all such questions, or which may be otherwise referred to them by law, for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this Act; to confer upon such courts authority to make such rules and regulations, and to devise and have printed, such records and forms, where not otherwise provided for under the terms of this Act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the detention home or parental school, or for the conduct of probation officers or their work as provided for in this Act; to create and provide for an Advisory Board to such courts, and to define its duties; to make it a misdemeanor by act, or omission, or otherwise to aid, abet, cause, connive at or contribute to the dependency, neglect, or delinquency of such children, in such counties, or to conceal or otherwise interfere with the custody of such children, or to interfere with or obstruct probation officers in the discharge of their duties, and in certain contingencies for injunctions in such cases, and to provide for the trial and punishment of such offenders; to provide for investigations by probation officers, and the effect of their reports as evidence; to provide for the taking and enforcement of recognizances when same are made by a minor with adults as sureties; to provide that all proceedings under the terms of this Act in

dealing with the children described herein shall be in equity, and civil in their nature, and to regulate same; to provide for the trial of any delinquent child as defined by this Act, in a criminal court of competent jurisdiction when the court after investigation or trial is convinced that such child cannot be made to lead a correct life under the discipline provided for such delinquent under the terms of this Act; to provide that under certain contingencies male children between sixteen and eighteen years of age shall be dealt with as delinquents; to provide for the establishment and maintenance of a detention home or parental school, and for the appointment and compensation of probation officers, and for other expenses incident to the purposes of this Act; to provide for the appointment of a referee, or referees, and to define their powers and duties; to declare when this Act shall take effect, that should any part of this Act be found to be unconstitutional that it shall not effect the remainder thereof, and to provide for the repeal of all laws inconsistent, or in conflict with this Act:

Local Legislation.

By Mr. Fite:

H. 1063. To authorize courts which have jurisdiction to try persons charged with a misdemeanor in counties of this State which have a population of as many as Two Hundred Thousand people according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter, and which counties now have, or which counties shall hereafter have a court of Domestic Relations, and before which are brought for trial, females over eighteen years of age charged with the commission of a misdemeanor, to transfer such causes to the Domestic Relations Courts of such counties for trial, when such courts, or the Judge, or Judges thereof shall deem it in the interest of justice, and the public welfare so to do; and to prescribe and regulate the procedure in such causes.

Local Legislation.

By Mr. Powell:

H. 1064. To amend Section 30 of an Act entitled an Act "To provide pensions for soldiers and sailors in the service of the State of Alabama, and for their widows, and for soldiers and sailors in the army or navy of the Confederate States of America, and for their widows, and for the regulation of the payment thereof and to constitute and appoint a pension commission for the State of Alabama and prescribe its powers and duties," approved September 23rd, 1919.

Pensions and Soldiers' Home.

By Mr. Holcombe:

H. 1065. To provide for the payment, to the tax collector and tax assessor in all counties in this State having a popula-

tion of not less than ninety-five thousand nor over one hundred fifty thousand, according to the last Federal census or any such census hereafter to be taken, of the sum of twelve hundred dollars (\$1200.00) per annum for the said tax collector, and twelve hundred dollars (\$1200.00) per annum for the said tax assessor, in such counties, in connection with the assessment and collection of automobile taxes in said counties.

Local Legislation.

BILLS ON SECOND READING.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 393. To amend an Act, and the title thereto, entitled 'An Act to make it unlawful for any municipality to charge the farmers or others engaged in the production of farm products of whatever nature, any license or fee, for the sale or other disposition of said articles produced by them, at any place,' approved September 25, 1915, so as to read as follows: "An Act to make it unlawful for any municipality to charge the farmers, or others engaged in the production of farm products of whatever nature, any license or fee for the sale or other disposition of said articles produced, raised or grown by them at any place within the State of Alabama."

S. 462. To authorize any literary society, social society, Young Men's Christian Association or Young Women's Christian Association, to convey the title to real estate belonging to it, and to prescribe the proceedings to authorize the execution of the deed, and to prescribe the prima facie evidence of the authority to execute the deed, and to authorize a certified copy of the minutes of the meeting authorizing the execution of the conveyance to be recorded in the office of the Judge of Probate where the property is situated, and to prescribe the effect thereof.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 1029. To require the publication of receipts and disbursements of counties and to require the publication of portions of the proceedings of Commissioners Courts and Boards of Revenue; to provide for the method of publication, the maximum amounts to be expended for such publication and to prescribe penalty for violation of the provisions of this Act and to provide for repeal of all laws in conflict with the provisions of this Act.

H. 1030. To require the posting at public places of statements of assessments of each tax payer in the State; to provide for the making of such statements and their posting; and to provide payment for the tax collector for performance of his duties under this Act.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 1050. To provide for the election of the county board of education of Chambers County, Alabama; to divide the county into districts from which shall be elected a member of such board by the electors of such district.

The above and foregoing bills were severally read a second time and placed on the Calendar.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same.

Delivered to the Governor September 18, 1923, at 11:10 A. M.

H. 904.

Also:

H. 761.

Also:

H. 52.

Also:

H. 340.

Also:

H. 634.

Also:

H. 714.

Also:

H. 626.

Also:

H. 701.

Also:

H. 523.

Also:

H. 668.

Also:

H. 605.

J. H. Stewart,
Clerk.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Martin :

S. 510. To provide for the letting of a contract for the printing of the Code of Alabama.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate Standing Committee as follows:

Public Printing, S. 510.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Garth :

S. 323. To provide for the establishment of demonstration farms at or near each of the several state secondary agricultural schools of Alabama, to provide for physical plants and equipment for such farms, to make appropriations for the maintenance thereof, and to provide for their management and control.

By Mr. Griffith (with notice and proof) :

S. 483. To provide the town of Haleyville school district known as the Haleyville School District, to manage and control the affairs of its public schools in said school district; to provide for the election of a board of education by the town council of the town of Haleyville, Alabama; to authorize the said board of education to mortgage or pledge the property of the said public schools for the purpose of procuring additional funds to build or erect or equip suitable school buildings in said town of Haleyville, and to repair or improve the buildings now erected, and to authorize payment and satisfaction of said mortgage out of its funds hereafter or heretofore derived from the levy of a special school tax in the said school district; to provide the payment of the public money due the said school for school purposes to the board of education of said town; to provide for the disbursement of the money and the appointment of a treasurer for said school district funds.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of the intention to apply to the present session of the Legislature of the State of Alabama for the passage of an act in substance as follows:

A bill to be entitled an Act:

To provide the Town of Haleyville and School District known as the Haleyville School District, to manage and control the affairs of its public school and in said school district. To provide for the election of a board of education by the Town Council of the Town of Haleyville, Alabama. To authorize said board of education to mortgage or pledge the property of said public school for the purpose of procuring additional funds to build or erect and equip suitable school buildings in said Town of Haleyville, and to repair or improve the buildings now erected, and to authorize payment and satisfaction of said mortgage out of its funds hereafter or heretofore derived from the levy of a special school tax in said school district. To provide the payment of the public money due the school for school purposes to the board of education for said town. To provide for the disbursement of the money and the appointment of a treasurer for said school district funds.

State of Alabama, }
County of Winston. }

Before me, the undersigned authority, in and for said County and State, personally appeared E. P. Lakeman, who, first by me being duly sworn deposes and says under oath that he is Editor of the Haleyville Advertiser, a weekly newspaper edited and having a general circulation in the County of Winston, State of Alabama, and the foregoing notice was published in said paper for four consecutive weeks, viz: August 2nd, August 9th, August 16th and August 23rd, 1923.

E. P. Lakeman.

Sworn and subscribed to before me this the 5th day of September, 1923.

Chester Tutt,
Notary Public.

Also:

By Mr. Adams:

S. 308. To provide for the payment of court costs in cases in which the condemnation and forfeiture of conveyance and vehicles of transportation on account of being used in the transportation of prohibited liquors or beverages of any kind is sought, and in which a decree shall be rendered against the State.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Ways, Means and Appropriations, S. 323.

Local Legislation, S. 483.

Judiciary, S. 308.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Pelham:

S. 326. To provide for the construction and operation of fish cultural stations in the State of Alabama; to provide for the acquisition of suitable areas in the name of the State; to provide for the administration and management of fish cultural stations; to provide for payment of employees; to provide for a fishing license, and for other purposes.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Game, Fish and Forestry Preservation, S. 326.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Hutson:

S. 498. To amend Section 12 of An Act entitled "An Act to create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto," approved March 2, 1911.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate Standing Committee as follows:

Banking and Insurance, S. 498.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from His Excellency, the Governor, proposing an amendment to the bill:

S. 365. To amend an Act entitled "An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said Court; a Judge, a Clerk, and other officers thereof; to provide a place for holding said Court; the terms, and salary of said Judge and officers of said Court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the Judge and other officers of said Court, and to amend the provisions as to the Judges, officers and employees of said Court, their number, appointment and authority, and to provide for the creation of an Ex-officio Judge of said Court, and to define his duties.

The Governor's message, containing the amendment, being in the following words and figures, to-wit:

Gentlemen:

I herewith return to you Senate Bill No. 365 without my approval.

The title of the bill is among other things "To amend an Act entitled an Act to establish an Inferior Criminal Court for Jefferson County, Alabama," whereas the only amendment of this Act is to amend Section 10 thereof.

I, therefore, suggest that the bill be amended so as to make the title conform to the body of the Act, which can be done by adding the following amendment:

Amend the title or caption of the Act by inserting after the word "amend" and before the word "an" the following phrase: "Section 10 of" wherever it occurs in the title of the bill.

With this amendment the bill will meet with my approval.

Respectfully submitted,

Wm. W. Brandon,
Governor.

September 14, 1923.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 26; nays, 0.

And said bill, as thus amended, by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote on the passage of said bill, as amended, being: Yeas, 27; nays, 0.

And said bill, together with the Governor's message, containing the proposed amendment, is herewith sent to the House for its consideration.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. L. K. Bowen, the House concurred in and adopted the amendment proposed by the Governor to the bill

S. 365, said Governor's amendment being set out in the above and foregoing message from the Senate.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Letson	Sanders (Pike)
Adams	Fite	Long	Sessions
Adcock	Gaines	Love	Smith (Clay)
Ashcraft (Lauder'de)	Glenn	Luck	Smith (Jefferson)
Bealle	Glover	Moorer	Snodgrass
Bowen, Lewis	Goodwyn	Moxley	Stewart (Calhoun)
Bowen, L. K.	Graves	Nichols	Tunstall
Boykin	Grove	Norman	Tyson
Burton	Guy	Odom	Verner
Byars	Hall	Patterson	Walker
Cato	Hatter	Poole	Wall
Cook	Hawkins	Powell	Walton
Culver	Howze	Ringer	Ware
Dowdle	Jeter	Rives	Williams
Embry	Lee	St. John	Young

—60

Which was a majority of the whole number elected to the House.

And the bill,

S. 365. To amend Section 10 of an Act entitled "An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

As amended by the amendment proposed by the Governor, was again read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Byars	Glenn	Howze
Adams	Cato	Glover	Jeter
Adcock	Cook	Goode	Lee
Ashcraft (Fayette)	Culver	Goodwyn	Letson
Bealle	Dowdle	Grove	Long
Bowen, Lewis	Embry	Guy	Love
Bowen, L. K.	Ferrell	Hall	Luck
Boykin	Fite	Hatter	Moorer
Burns	Gaines	Hawkins	Moxley

Nichols	Ringer	Smith (Lee)	Walker
Norman	Rives	Sollie	Wall
Odom	St. John	Stewart (Calhoun)	Walton
Patterson	Sanders (Pike)	Thompson (Jackson)	Ware
Poole	Sessions	Tyson	Williams
Posey	Smith (Jefferson)	Varner	Young

—60

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Rules Committee:

S. J. R. 165. Be it resolved by the Senate, the House concurring, that when the two Houses adjourn today, they adjourn to meet Thursday, September 20th, 1923, at 9:30 A. M.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Long, the House concurred in and adopted S. J. R. 165, which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bills and returns same herewith to the House:

H. 106. To provide for the election of a county superintendent of education for Franklin county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such county superintendent under this Act and to provide for the election of his successor in office.

H. 300. To detach election Precinct number nine (9) in St. Clair County, known as Ragland election precinct from the Northern Judicial Division of said County, and attach the same to make it a part of the Southern Judicial Division of St. Clair County, and to confer jurisdiction with right to hear and try all matters and causes civil and criminal arising in said election precinct, on the Circuit Court in Equity, Chancery Court, Probate Court, County Court and Commissioners Court of the South-

ern Judicial Division of said County, with place of holding Court at the Court House of said County at Pell City; in the same manner and to the same extent as if said election precinct had never been attached to and made a party of the Northern Judicial Division of said St. Clair County.

H. 584. To amend insofar as it applies to Crenshaw county an Act entitled "An Act to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions and regulate the empanelling of grand and petit juries in all of the courts of this State," approved August 31, 1909.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Williams, the House concurred in and adopted the Senate amendment to the Bill, H. 106. Said Senate amendment being as follows:

Amend Section 4 of the H. 106 so as to read as follows:

Section 4. That said County Superintendent of Education shall be charged with the same duties and shall exercise the same powers as are now provided by the general school laws of the State in the conduct of the office of County Superintendent of Education. No person shall be eligible for the office of County Superintendent of Education of said county who does not as now required hold an Alabama certificate in Administration and Supervision based upon graduation from a standard normal school or equivalent education with at least one year of additional study of college grade and proof of at least three years of successful teaching experience; provided, that, if no person possessing these qualifications is available for election as provided in this Act, the County Board of Education shall appoint a county superintendent of education as provided in Article 6 of the School Code (Act approved September 26, 1919).

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Byars	Fite	Henley
Adams	Cato	Gaines	Hodgson
Adcock	Christian	Glenn	Holcombe
Arrington	Coleman	Glover	Hornsby
Ashcraft (Fayette)	Cook	Goodwyn	Howard
Ashcraft (Lauderdl.)	Culver	Graves	Howze
Blackwell	Dowdle	Grove	Hubbard
Boykin	Elliott	Guy	Jones
Burns	Embry	Hall	Kilborn
Burton	Ferrell	Hatter	Lee

Letson	Moxley	Ringer	Walker
Long	Nichols	St. John	Wall
Luck	Parker	Tiller	Walton
McDaniel	Patterson	Tyson	Ware
Moorer	Poole	Varner	Williams

—60

On motion of Mr. Embry the House concurred in and adopted the Senate amendment to the bill, H. 300. Said Senate amendment being as follows:

Substitute for H. 300:

A BILL.

To be entitled an Act to detach precinct number nine (9) in St. Clair County, known as Ragland Election Precinct, from the northern judicial division of said county, and attach the same to make it a part of the southern judicial division of St. Clair County, and to confer jurisdiction with right to hear and try all matters and causes, civil and criminal arising in said election precinct, in the circuit court, chancery court, probate court, county court or commissioners court of the southern judicial division of said county, with place of holding court at the courthouse of said county at Pell City, according to, in the manner and to the same extent as is done in matters and causes arising elsewhere in said southern judicial division than in said precinct.

Be it enacted by the Legislature of Alabama:

Section 1. That election precinct number nine (9) in St. Clair County, known as Ragland Election Precinct, be and the same is hereby detached from the northern judicial division of said county and said election precinct is hereby attached to and made a part of the southern judicial division of said county.

Section 2. That in all matters and causes both civil and criminal arising in said election precinct number nine (9) in St. Clair County, jurisdiction for the trial of all such matters and causes, is hereby given and conferred on the circuit court, circuit court in equity, chancery court, probate court, county court or commissioners court, according to the jurisdiction of each, with place of holding court at Pell City in said county, in the same manner and to the same extent as is done in matters and cases arising elsewhere in said southern judicial division than in said precinct, and such jurisdiction is taken away from the northern judicial division of said county.

Section 3. An election is ordered to be held in said precinct on the first Monday after the expiration of three months after the date of final adjournment of the present session of the Legislature, at which election the qualified electors in said precinct shall vote on whether or not this act shall go into effect,

and on the official ballot prepared for such election there shall be printed the following words: "Shall the act detaching precinct number nine (9) from the northern judicial division of St. Clair County and attaching said precinct to the southern judicial division of said county, go into effect?" There shall be printed thereafter the word "Yes" and the word "No." The choice of the voter shall be indicated by making a cross mark in front of the word "Yes" if he favors the act going into effect, and by making a cross mark in front of the word "No" if he is opposed to said act going into effect.

Section 4. That the officers holding the said election shall be the same and shall be appointed in the same manner and by the same officials as provided by the election laws of the State, and the election shall be held in said precinct in all respects in accordance with the law governing general elections as far as practicable and applicable; and the votes cast at said election shall be counted, canvassed, and returns made thereof to the court of county commissioners, in the same manner that returns are made in general elections. The result of said election shall be made known by the presiding officer of said court of county commissioners, by publication once in some newspaper published in said county, and, if a majority of all the qualified electors who voted at said election shall have voted "Yes," this act shall go into effect from the date of publication of the result of said election by said presiding officer of said court of county commissioners; but, if a majority of such electors shall have voted "No," this act shall not go into effect. Notice of the holding of such election shall be given by the judge of probate of said county by posting written or printed notices thereof at three public places in said precinct and by publication in some newspaper published in said county for four consecutive weeks prior to such election. The expenses of making publication as provided by this act, of printing the ballots and holding the election shall be paid out of the general funds of the county, upon an order passed by the court of county commissioners and upon warrant drawn in accordance therewith by the judge of probate.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Bealle

Boykin

Burns

Burton

Byars

Cato

Cook

Culver

Dowdle

Elliott

Embry

Fite

Forman

Gaines

Glenn

Glover

Goode

Goodwyn

Graves

Hawkins

Henley

Henson

Holcombe

Howard

Howze

Jones

Kilborn

Lee

Letson

Long

Love

Luck

Melton	Pickens	Snodgrass	Walker
Moorer	Poole	Tiller	Wall
Moxley	Posey	Tunstall	Ware
Norman	Powell	Tyson	Williams
Odom	Ringer	Varner	Wyatt
Patterson	Rives	Verner	Young

—60

And on motion of Mr. Moxley the House concurred in and adopted the Senate amendment to the bill, H. 584. Said Senate amendment being as follows:

To amend the title of the bill so as to read as follows:

To abolish the Jury Commission of Crenshaw County as created and constituted by law, or an Act approved August 31st, 1909, and to confer the authority and power and impose the duties of such jury commission upon the members of the Court of County Commissioners of Crenshaw County.

Amend Section 1 of the bill so as to read as follows:

Section 1. The jury commission for Crenshaw County as created and provided for by law or by an Act approved August 31st, 1909, be and the same is hereby abolished.

Further amend by striking out Section 4 of the bill.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Goodwyn	Love	Smith (Jefferson)
Adams	Graves	Luck	Smith (Lee)
Adcock	Guy	McDaniel	Snodgrass
Ashcraft (Fayette)	Hall	Moxley	Sollie
Ashcraft (Lauder's)	Hatter	Nichols	Stewart (Calhoun)
Boykin	Henley	Odom	Thompson (Jackson)
Burns	Hodgson	Parker	Tiller
Burton	Holcombe	Patterson	Tyson
Cato	Howard	Poole	Verner
Cook	Howze	Posey	Walker
Dowdle	Jeter	Powell	Wall
Dunwoody	Jones	Ringer	Walton
Embry	Kilborn	Sanders (Conecuh)	Ware
Ferrell	Lee	Sanders (Pike)	Williams
Fite	Letson	Smith (Clay)	Young

—60

NOTICE GIVEN.

Mr. Williams gave notice that on the next Legislative Day he would move to take S. 238 from the Adverse Calendar.

BILL ON THIRD READING.

H. 222 (with amendment). To amend Sections 1, 4 and 7 of "An Act to regulate elections; to provide for the registration of electors and the preparation and furnishing of a list of qualified electors to the election inspectors," approved October 2, 1920.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Revision of Laws, said Committee amendment being as follows:

The Committee on Revision of Laws has acted upon the following bill: H. 222. To amend Sections 1, 4 and 7 of "An Act to regulate elections; to provide for registration of electors and the preparation and furnishing of a list of qualified electors to the election inspectors"—Approved October 2, 1920. And ordered the same reported to the House favorably, with the following amendments: Section 2, striking out the following words: "State Auditor and Commissioner of Agriculture and Industries, or by a majority of them acting as a board of appointment." Strike out the words, "The Board of Appointment" and insert in lieu thereof the words "the Governor." Before the word "Census" insert the word "Federal."

Section 3. Strike out all of the sentence beginning with the word "provided."

Section 4. Add thereto the following words: "Provided that in counties having two court houses said registrars shall sit and register at each court house for a period of five days as aforesaid."

Mr. Byars offered the following substitute for the bill and pending amendment:

Substitute for House Bill No. 222, by Mr. Byars:

A BILL.

To be entitled an Act to amend Sections 1, 4 and 7 of "An Act to regulate elections;" to provide for the registration of electors and the preparation and furnishing of a list of qualified electors to the election inspectors," approved October 2nd, 1920.

Be it enacted by the Legislature of Alabama:

Sec. 1. That Sections 1, 4 and 7 of an Act "To regulate elections; to provide for the registration of electors and the preparation and furnishing of a list of qualified electors to the election inspectors," approved October 2nd, 1920, be and the same are amended so as to read as follows:

Sec. 2. Section 1, of said Act shall be amended so as to read as follows, to-wit: Registration shall be conducted in each county of the State by a registrar, appointed by the Governor, and who must be a qualified elector and resident of the county, and who shall not hold an elective office during his term of office. In counties of 50,000 or more, according to the last Federal census or any succeeding Federal census, such clerical help shall be furnished the Registrar by the Board of Revenue or board of like jurisdiction as may be deemed necessary for the efficient discharge of the duties of said office.

The Registrar in counties having a population of more than 200,000 according to the last Federal census or any succeeding Federal census, shall be furnished an office at the Court House in such counties by the Board of Revenue or board of like jurisdiction. In such counties where there is more than one Court House the Board of Revenue or board of like jurisdiction shall determine at which Court House the office of the Registrar shall be located. The Registrar shall be furnished with a Chief Clerk and stenographer and such other clerical help as he may deem necessary for the efficient discharge of the duties of the office. The Chief Clerk shall be paid the same salary and in the same manner as is paid to the other Chief Clerks in the several departments of the county whose salaries are fixed by the Board of Revenue or boards of like jurisdiction. The salary of the said Chief Clerk and the stenographer and other clerical assistants shall be fixed by the Board of Revenue or board of like jurisdiction. The Registrar shall receive a salary of twenty-four hundred dollars (\$2,400.00) per annum to be paid in twelve monthly payments. For each working day spent by the Registrar for the purpose of registering voters the State shall pay the amount paid to the other Registrars for not more than ninety days in each year. The balance of his salary after deducting the amounts so paid by the State shall be paid out of the funds of the County Treasury in the same manner as other county officers are paid.

Sec. 3. That Section 4, of said Act shall be amended so as to read as follows: Each Registrar shall receive seven dollars and fifty cents per day, to be paid by the State and disbursed by the several Judges of Probate for each day's attendance upon the sessions of the Board. The Registrar in counties having a population of more than 200,000 according to the last Federal census or any succeeding Federal census shall perform all the duties now required by law or hereafter conferred by law to be performed by the Judge of Probate of said counties in reference to the registration of voters and all other duties now required by law or hereafter conferred by law upon the Judge of Probate of said counties in reference to election and making and publishing the list of qualified voters of said counties, excepting the naming of election managers and said Registrar shall perform the duties required of him in this Act in the same manner and in every way with the same uniformity of system as is now required by law to be performed by the Judge of Probate of said county.

Sec. 4. That Section 7, of said Act shall be amended so as to read as follows: In addition to the regular registration herein provided, the Courts of County Commissioners, Boards

of Revenue or other courts of like jurisdiction of the several counties may make an order requiring the books of registration to be opened for ten working days during the month of July, 1921 and each two years thereafter for the purpose of registering voters. That said Registrars shall sit for five days at the Court House prior to every general, special or primary election for the purpose of registering qualified electors of any precinct in the county; that said five days shall be held not less than forty-five days nor more than sixty days prior to said election, and that notice of the days said Registrar will sit at the Court House shall be given by public notice thereof in some newspaper of general circulation in the county and by posting notice at the court house at least ten days prior to the opening of said registration books. Provided that in counties having two Court Houses said registrar shall sit and register at each court house for a period of five days as aforesaid. In addition to the regular registration herein provided the Courts of County Commissioners, the Boards of Revenue, or other courts of like jurisdiction of the several counties may make an order requiring the books of registration to be open every day in the year except Sunday and legal holidays and sixty days immediately preceding any general or local election. The order herein provided for shall be entered upon the minutes of the said courts of county commissioners, Boards of Revenue or other courts of like jurisdiction of the several counties. Provided further that a list of qualified electors may be published every year instead of every two years in the several counties of the State, if deemed necessary by the several Judges of Probate.

Sec. 5. Every section of this Act, and every part of each section are hereby declared to be independent sections and parts of any section, and the holdings of any sections or part thereof, to be void, ineffective, or unconstitutional for any cause, shall not effect the other sections or parts thereof.

Sec. 6. That this Act shall go into effect immediately upon its passage and approval.

Sec. 7. That all laws or parts of laws, local, general or special in conflict with the provisions of this Act be and are hereby repealed.

And the substitute was adopted.

Yeas, 59; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Arrington

Ashcraft (Fayette)

Ashcraft (Lauderdl.) Burns

Blackwell

Bowen, Lewis

Bowen, L. K.

Bovkin

Burton

Byars

Cook

Dickinson

Dowdle

Embry

Forman

Gaines

Glover

Goodwyn	Jeter	Parker	Stewart (Calhoun)
Grove	Jones	Patterson	Thompson (Etowah)
Guy	Kilborn	Posey	Thompson (Jackson)
Hampton	Lee	Powell	Tyson
Hawkins	Letson	Ringer	Varner
Henley	Love	Rives	Walker
Henson	McDaniel	St. John	Wall
Holcombe	Melton	Smith (Clay)	Williams
Hornsby	Nichols	Smith (Jefferson)	Young
Howze	Norman	Sollie	

—59

And the bill,

H. 222. To amend Sections 1, 4 and 7 of "An Act to regulate elections; to provide for the registration of electors and the preparation and furnishing of a list of qualified electors to the election inspectors," approved October 2, 1920.

As amended by the substitute was read a third time at length and passed.

Yeas, 57; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Elliott	Hornsby	Ringer
Adams	Embry	Jeter	Rives
Adcock	Forman	Jones	St. John
Arrington	Gaines	Kilborn	Sanders (Cenecuh)
Ashcraft (Fayette)	Glover	Lee	Smith (Clay)
Ashcraft (Lauder)	Goode	Letson	Smith (Jefferson)
Blackwell	Goodwyn	Love	Sollie
Bowen, Lewis	Grove	McDaniel	Stewart (Calhoun)
Bowen, L. K.	Guy	Nichols	Thompson (Etowah)
Boykin	Hampton	Norman	Thompson (Jackson)
Burns	Hawkins	Odom	Tyson
Burton	Henley	Parker	Walker
Byars	Henson	Patterson	Williams
Dickinson	Holcombe	Powell	Young
Dowdle			

—57

And the bill was ordered sent to the Senate without engrossment.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the House of Representatives:

I am directed by the Governor to return to you herewith House Bill No. 511, with his reasons for so doing.

Respectfully,

A. L. Tyson,
Secretary to the Governor.

September 14, 1923.

MESSAGE TO THE HOUSE.

Gentlemen:

I herewith return to you House Bill No. 511 without my approval.

I am in sympathy with the object and purpose of the bill but it is such a palpable violation of the Constitution that I cannot approve it. It merely

provides for the placing on the pension roll the name of Mrs. Carrie Robbins Norrell. If the name of this lady is entitled to be upon the pension roll it could be placed on the pension roll under the general laws of this State and consequently clearly violates Section 105 of the Constitution. If she is not entitled under the general laws of this State to have her name placed upon the pension roll then it would violate sub-division 9 of Section 104 of the Constitution which provides that no special, private or local law shall be passed exempting any individual, corporation or association from the operation of any general law.

Respectfully,
Wm. W. Brandon,
Governor.

September 14, 1923.

GOVERNOR'S MESSAGE.

The House refused to pass the bill H. 511 over the Governor's veto by the following vote.

Yeas, 0; nays, 75.

Nays:

Messrs:

Mr. Speaker	Forman	Jones	Sanders (Conecuh)
Adams	Glover	Kilborn	Sanders (Pike)
Adcock	Goode	Lee	Smith (Clay)
Ashcraft (Fayette)	Goodwyn	Letson	Smith (Jefferson)
Ashcraft (Lauderd'l)	Graves	Long	Snodgrass
Blackwell	Grove	Luck	Sollie
Bowen, Lewis	Guy	McDaniel	Stewart (Bibb)
Bowen, L. K.	Hall	Moxley	Stewart (Calhoun)
Boykin	Hampton	Nichols	Thompson (Etowah)
Burns	Hatter	Norman	Thompson (Jackson)
Burton	Hawkins	Odom	Tunstall
Byars	Henley	Parker	Tyson
Cato	Henson	Patterson	Varner
Cook	Hodgson	Poole	Walker
Dowdle	Holcombe	Posey	Wall
Dunwoody	Hornsby	Powell	Walton
Elliott	Howard	Ringer	Williams
Embry	Howze	Rives	Young
Ferrell	Jeter	St. John	

—75

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 168. To enlarge and extend the boundaries of the corporate limits of the City of Tuscaloosa, Alabama.

S. 423. To provide for the relief of Alto V. Jester, who was permanently disabled in the military service of the State of Alabama during emergency military duty in the mineral districts of the State of Alabama, 1920-21.

S. 424. To provide for the relief of Clifton E. Clement, who was permanently disabled in the military service of the State of

Alabama during emergency military duty in the mineral districts of the State of Alabama, 1920-21.

S. 448. To provide for the election of a county superintendent of education for DeKalb county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for the election of his successor in office.

S. 468. To authorize, empower, and require the commissioners court, or other court of like jurisdiction of Chilton county, Alabama, to pay to the sheriff of Chilton county the sum of ten (\$10.00) dollars for each still, apparatus, appliance, parts thereof, or any device or substitute therefor, made, used, or designed for the manufacture of spirituous, vinous, or alcoholic liquor, captured, destroyed, or confiscated in said county by the sheriff or any of his deputies; to provide for the payment of said sum by proper warrant on the county treasurer of Chilton county on the presentation of claim by the sheriff stating when and where, as nearly as possible, said still, device, apparatus, or part thereof was captured or destroyed, the kind and capacity of same; said payment to be made by warrant drawn against the county treasury by the commissioners court, or other court of like jurisdiction; said warrant to be a preferred claim against the treasury of said county.

S. 340. To authorize and empower the town council of the town of Clanton, Alabama, to vacate, annul or narrow any street, avenue, alley or other public place in said town and to convey such portion of any street, avenue, alley or other public place so vacated, annulled or narrowed, to the adjacent landowners.

S. 412. To authorize municipal corporations having a population of 60,000 or more inhabitants according to the last or any subsequent Federal census, to improve streets and sidewalks and sections of streets and sidewalks by the construction of electric lighting systems known as "white ways," and to charge the cost to the property owners abutting on and to which the system known as "white way" lighting serves in the ornamental decorating and lighting of the street upon which the property butts; provided such lighting system shall not include overhead street lighting; and to provide that such municipal corporations shall maintain such lighting systems after they have been established, and shall pay for the cost of the current and the expense of such maintenance.

S. 296. To amend an Act entitled an Act to establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; and to provide for the transfer of certain

causes now or hereafter pending in the Circuit Court of Morgan County, Alabama, to the Morgan County Court. Approved September 24, 1919.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

INVITATION.

The following invitation was read by the Clerk and ordered spread upon the Journal:

September 12, 1923.

To the Honorable Body,
The House of Representatives of the State of Alabama.
Gentlemen:

In announcing a meeting and a free mutton barbecue to be held at my place, three miles southeast of Pike Road, Ala., the Alabama Wool and Sheep Growers' Association have authorized me to extend an invitation to your body to attend this meeting and join us in an old fashioned good time.

This meeting will be held on Thursday, September 20, and will be an unconventional social affair, at which we expect to have Mr. Underwood and our Governor, the bankers, and judicial body of this vicinity, and principally, the majority of farmers in this section.

This will be the first of an annual affair of this kind given by the Association, the principal feature being to demonstrate the result of a ninety-day pasturing of sheep on Black Belt grazing lands, in addition to having a good time generally.

In case you are in session on the date mentioned it would seem appropriate to adjourn for this special occasion and attend.

Yours very truly,
E. A. Beeler.

REPORT OF CONFERENCE COMMITTEE.

To the Senate and House of Representatives:

We, your Committee of Conference appointed on the disagreement of the two Houses on the House amendment to the bill:

S. 364. To amend Section 7 of an Act entitled an Act to establish an Inferior Civil Court in lieu of Justices of the Peace for all precincts lying within or partly within the City of Mobile, approved April 15th, 1911.

Beg leave to make the following report:

We recommend that the House recede from its amendment to said bill and that it pass the bill in its original form.

Respectfully submitted,

Jno. Craft,

A. A. Griffith,

B. deG. Waddell,

Committee on part of the Senate.

Wm. H. Holcombe, Jr.,

Vincent F. Kilborn,

Committee on part of the House.

CONFERENCE REPORT.

On motion of Mr. Holcombe the House concurred in and adopted the conference report on the disagreement of the two Houses on the House amendment to the bill S. 364.

Yeas, 63; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Howze	Powell
Adams	Embry	Jeter	Ringer
Adcock	Ferrell	Jones	Rives
Arrington	Forman	Kilborn	Sanders (Pike)
Ashcraft (Fayette)	Gaines	Lee	Smith (Clay)
Ashcraft (Lauderd ¹)	Glenn	Letson	Smith (Jefferson)
Blackwell	Goode	Love	Snodgrass
Bowen, Lewis	Goodwyn	Luck	Sollie
Bowen, L. K.	Graves	McDaniel	Stewart (Calhoun)
Boykin	Guy	Moxley	Tunstall
Burns	Hatter	Nichols	Walker
Burton	Henley	Norman	Wall
Byars	Henson	Odom	Walton
Cook	Hodgson	Parker	Williams
Culver	Holcombe	Patterson	Young
Dowdle	Hornsby	Posey	

—63

Nays: Mr. Grove—1.

H. 666. To amend Section 8 of an Act entitled "An Act to provide for the organization, regulation and government of the State Bar Association, including admissions and disbarments of lawyers," approved August 9th, 1923.

Was read a third time at length and passed.

Yeas, 54; nays, 3.

Yeas:

Messrs:

Mr. Speaker	Bealle	Byars	Embry
Adams	Bowen, Lewis	Cato	Forman
Arrington	Bowen, L. K.	Cook	Gaines
Ashcraft (Fayette)	Boykin	Dowdle	Glover
Ashcraft (Lauderd ¹)	Burton	Dunwoody	Goode

Goodwyn	Kilborn	Poole	Thompson (Jackson)
Grove	Lee	Posey	Tunstall
Hatter	Long	Ringer	Verner
Henson	Luck	St. John	Walker
Hodgson	McDaniel	Sanders (Pike)	Walton
Holcombe	Moxley	Snodgrass	Ware
Howard	Norman	Stewart (Bibb)	Williams
Howze	Odom	Stewart (Calhoun)	Young
Jones	Patterson		

—54

Nays: Messrs. Adcock, Guy, Rives—3.

And the bill was ordered sent to the Senate without engrossment.

BILL ON THIRD READING.

H. 338. To create the office of supernumerary judge for the State of Alabama, to define his duties and jurisdiction, to provide for the holding of courts in the various counties of the State by the said supernumerary judge, to provide for the election of said judge, to fix his term of office and to provide for his salary and actual expenses.

Mr. Luck offered the following amendment to the bill:

Amend House Bill No. 338, Sections 2 and 3 of said bill to read as follows:

Section 2. That the term of office of the Supernumerary Judge shall be the same as prescribed by law for the Circuit Judges, provided however, that, upon the approval of this Act by the Governor, he shall appoint a suitable person possessing all of the qualifications of Circuit Judges, who shall hold said office until the general election in the year 1928, when there shall be elected, a Supernumerary Judge in the State. That said Supernumerary Judge shall in all respects be subject to all laws now applicable to Circuit Judges in this State.

Section 3. That the salary of the Supernumerary Judge shall be \$4,000 per annum, to be paid in the same manner as Circuit Judges are now paid in this State, and the said Supernumerary Judge shall also be entitled to his actual expenses, as is now allowed Circuit Judges while holding court outside of their Circuits to be paid in the same manner as now provided for by law for Circuit Judges, when holding Court out of their respective Circuits.

Section 4. This Act shall become effective upon its passage and approval by the Governor.

And on motion of Mr. Henson the bill H. 338 and amendment offered by Mr. Luck were indefinitely postponed.

Yeas, 50; nays, 24.

Yeas :

Messrs:

Adams	Forman	Long	Ringer
Ashcraft (Fayette)	Glenn	Love	Sanders (Pike)
Ashcraft (Lauderd ¹)	Glover	McDaniel	Smith (Jefferson)
Blackwell	Hall	Moorer	Snodgrass
Bowen, L. K.	Hampton	Moxley	Sollie
Boykin	Hatter	Nichols	Stewart (Bibb)
Burns	Hawkins	Norman	Thompson (Etowah)
Burton	Henson	Parker	Thompson (Jackson)
Byars	Hodgson	Patterson	Tyson
Cook	Hornsby	Poole	Walton
Dunwoody	Howze	Posey	Ware
Elliott	Lee	Powell	Young
Embry	Letson		

—50

Nays :

Messrs:

Mr. Speaker	Dickinson	Guy	Odom
Adcock	Ferrell	Holcombe	Rives
Arrington	Fite	Jeter	Stewart (Calhoun)
Bealle	Goode	Jones	Tunstall
Bowen, Lewis	Goodwyn	Kilborn	Verner
Calloway	Grove	Luck	Wall

—24

Mr. Gaines announced he was paired with Cato. Mr. Gaines voting aye and Mr. Cato nay.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Hutson:

S. 499. To provide for and regulate further the banking department for the State of Alabama to the end of better regulating the examinations and supervision of banks and banking in this State.

J. E. Speight,
Secretary.

SENATE MESSAGE:

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Banking and Insurance, S. 499.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 480. To enlarge and extend the jurisdiction of the Circuit Court of Tallapoosa County, Alabama, at Alexander City, in said County, and to provide for the holding of regular terms of said court.

J. E. Speight,
Secretary.

BILL ON THIRD READING.

H. 669. To amend an Act approved November 30, 1907, and entitled "An Act to provide for the protection of the forests of Alabama; to establish and create a State commission of forestry to consist of the governor a member of the State tax commission, the State game and fish commissioner, the commissioner of agriculture and industries, a member of the United States forest service, the professor of forestry in the Alabama Polytechnic Institute and one practical lumberman, to declare the county game and fish wardens, forest wardens; to declare constables, justices of the peace, sheriffs and deputy sheriffs, ex-officio deputy forest wardens and to provide for the appointment of deputy forest wardens by the governor; to exempt from taxation for a period of ten years land which shall be planted in trees; to appropriate the sum of five hundred dollars annually for the purpose of carrying out the provisions of this act; to create a forest reserve fund, and to provide for the payment of all fines, forfeitures and penalties arising under the provisions of this act into said fund.

Was taken up. Mr. Long offered the following amendment to the bill:

Amend by adding Section 13 $\frac{1}{2}$:

Sec. 13 $\frac{1}{2}$. It shall be unlawful for any person, firm or corporation in this State to use any instrument such as skidders or any machine of this kind or character no matter what it is called and for every day such an instrument or machine is used such person, firm or corporation shall pay a fine of not less than \$500.00 for each and every day so used by such person, firm or corporation and such imprisonment as in the judgment of the court is necessary to stop such depredation.

On motion of Mr. St. John the amendment offered by Mr. Long was laid upon the table.

Mr. Hatter offered the following amendment to the bill, H. 669:

Amend H. B. 669 by adding in line 3 of Section 13 after the words "or timber products" the words "but not the county's share or part of such taxes."

And the amendment was adopted.

Yeas, 54; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Embry	Jeter	Ringer
Adams	Forman	Jones	Rives
Adcock	Goode	Kilborn	St. John
Ashcraft (Fayette)	Grove	Letson	Smith (Clay)
Ashcraft (Lauderd')	Guy	Long	Smith (Jefferson)
Bealle	Hatter	Luck	Smith (Lee)
Bowen, L. K.	Hawkins	McDaniel	Snodgrass
Boykin	Henley	Moxley	Sollie
Burton	Henson	Nichols	Stewart (Calhoun)
Cato	Hodgson	Odom	Verner
Cook	Holcombe	Parker	Walker
Dickinson	Hornsby	Patterson	Walton
Dowdle	Howard	Poole	Ware
Elliott	Howze		

—54

Nays: Mr. Moorer—1.

Mr. Hatter offered the following amendment to the bill, H. 669;

Amend H. B. 669 as follows:

By striking from the second line of Section 7 the words "and directed" and inserting in lieu thereof the following: "at his discretion."

By adding the words "if he deem it advisable so to do" after the words "it shall certify that fact, together with a copy of said application to the Governor, who shall" where said words appear in Section 8 on page 7 of the bill.

And the amendment was adopted.

Yeas, 57; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Jeter	Rives
Adams	Gaines	Jones	St. John
Adcock	Glover	Kilborn	Smith (Clay)
Ashcraft (Fayette)	Goode	Letson	Smith (Jefferson)
Ashcraft (Lauderd')	Goodwyn	Long	Smith (Lee)
Bealle	Graves	Luck	Snodgrass
Bowen, L. K.	Grove	McDaniel	Sollie
Boykin	Hatter	Nichols	Stewart (Bibb)
Burton	Hawkins	Norman	Stewart (Calhoun)
Calloway	Henley	Odom	Tunstall
Cato	Henson	Parker	Verner
Cook	Hodgson	Patterson	Walker
Culver	Holcombe	Posey	Walton
Dowdle	Howze	Ringer	Ware
Elliott			

—57

Mr. Hatter offered the following amendment to the bill, H. 669:

Amend H. B. 669 as follows:

1. Amend Section 2 of said bill by inserting immediately after the words "some point" and immediately before the words "to be" where the same occur in the 5th line of said section the words "in Montgomery."

2. Amend Section 16 of the bill as follows:

By inserting immediately after the words "a point," and immediately before the words "to be," where the same occur in the 2nd line of said section the words "in Montgomery."

3. Amend the bill by adding Section 19 as follows:

"If any section or part of this Act be declared unconstitutional, the remainder of said Act shall not thereby be affected but shall remain in full force or effect."

And the amendment was adopted.

Yeas, 57; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Jeter	Rives
Adams	Gaines	Jones	St. John
Adcock	Glover	Kilborn	Smith (Clay)
Ashcraft (Fayette)	Goode	Letson	Smith (Jefferson)
Ashcraft (Lauderdales)	Goodwyn	Long	Smith (Lee)
Bealle	Graves	Luck	Snodgrass
Bowen, L. K.	Grove	McDaniel	Sollie
Boykin	Hatter	Nichols	Stewart (Bibb)
Burton	Hawkins	Norman	Stewart (Calhoun)
Calloway	Henley	Odom	Tunstall
Cato	Henson	Parker	Verner
Cook	Hodgson	Patterson	Walker
Culver	Holcombe	Posey	Walton
Dowdle	Howze	Ringer	Ware
Elliott			

—57

And the bill,

H. 669. To amend an Act approved November 30, 1907, and entitled "An Act to provide for the protection of the forests of Alabama; to establish and create a State Commission of Forestry to consist of the governor, a member of the State tax commission, the State game and fish commissioner, the commissioner of agriculture and industries, a member of the United States forest service, the professor of forestry in the Alabama Polytechnic Institute and one practical lumberman, to declare the county game and fish wardens, forest wardens; to declare constables, justices of the peace, sheriffs and deputy sheriffs, ex-officio deputy forest wardens and to provide for the appointment of deputy forest wardens by the governor; to exempt from taxation for a period of ten years land which shall be planted in trees; to appropriate the sum of five hundred dollars annually for the purpose of carrying out the provisions of this Act; to

create a forest reserve fund, and to provide for the payment of all fines, forfeitures and penalties arising under the provisions of this act into said fund.

As amended, was read a third time at length and passed.

Yeas, 49; nays, 9.

Yeas :

Messrs:

Mr. Speaker	Dunwoody	Howard	Sanders (Pike)
Adams	Ferrell	Howze	Smith (Clay)
Ashcraft (Fayette)	Glenn	Jeter	Smith (Lee)
Ashcraft (Lauderd'e)	Goode	Jones	Snodgrass
Bealle	Goodwyn	Lee	Stewart (Calhoun)
Bowen, Lewis	Grove	Letson	Tunstall
Bowen, L. K.	Guy	Moorer	Verner
Boykin	Hatter	Nichols	Walker
Burns	Henley	Patterson	Wall
Byars	Hodgson	Pickens	Walton
Cook	Holcombe	Ringer	Williams
Culver	Hornsby	St. John	Young
Dowdle			

—49

Nays :

Messrs:

Blackwell	Long	Moxley	Stewart (Bibb)
Henson	McDaniel	Rives	Tyson
Kilborn			

—9

And the bill was ordered sent to the Senate without engrossment.

NOTICE TO TAKE FROM ADVERSE CALENDAR.

Mr. Fite gave notice that on the next Legislative Day he would make a motion to take the bill H. 966 from the Adverse Calendar.

RECESS.

The hour of 1 o'clock P. M. having arrived, the House recessed until 3 P. M. today.

AFTERNOON SESSION.

The hour of three o'clock having arrived the House reconvened.

RESOLUTION.

The following resolution was introduced:

By Mr. Glenn:

H. R. 231. Resolved that H. B. 373 with substitute be made a special paramount continuing order for the 47th Legislative Day.

And the resolution was referred to the Standing Committee on Rules.

BILLS ON SECOND READING.

Mr. Howard, Chairman of the Standing Committee on County and County Boundaries, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 899. To change the boundary line between Jefferson County and Blount County.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organization, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 1028. To require the publication of receipts and disbursements of cities and towns and to require the publication of portions of the proceedings of the council, City Commissioners or other governing bodies of cities and towns; to provide for the method of publication, the maximum amounts to be expended for such publication and to prescribe penalty for violation of the provisions of this Act and to provide for repeal of all laws in conflict with the provisions of this Act.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organization, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 916 (with amendment). To authorize municipalities of this State to assess the whole or any part of the cost of erecting sea walls, breakwaters, or other means of preventing damage from waves, waters, or floods, against any real estate in said municipality benefited thereby, in proportion to the benefits so occasioned and make provision for such improvement; provided

that the period over which any assessment is to be paid shall not exceed thirty years; and provided that the amount of the assessment shall not exceed the increase in value by reason of the special benefits resulting from such improvement to the property against which such assessment is made.

The above and foregoing bills were severally read a second time and placed on the Calendar.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

S. 356. To amend the title and the Act entitled "An Act to create and establish a board of county commissioners in and for Madison county, Alabama, in the place and instead of the board of revenue of Madison county now existing in said county and abolishing said board of revenue of Madison county; to divide said county of Madison into five districts, defining the boundaries thereof; defining the jurisdiction of said board of county commissioners, fixing their compensation; conferring upon said board of county commissioners all the jurisdiction, powers and authority granted by law to county commissioners, boards of revenue or other governing bodies of like name or authority in this State; authorizing the appointment of said board of county commissioners of a clerk; and a supervisor of public roads; providing for the holding of monthly meetings of said board of commissioners and providing for the repeal of all laws in conflict with this Act; providing for the appointment, nomination and election of said board of commissioners;" approved February 3rd, 1923.

Said Governor's message containing the proposed amendment being in the following words and figures:

MESSAGE TO THE SENATE.

Gentlemen:—

I herewith return to you Senate bill 356 without my approval. The title of the bill is "To amend the title and the Act entitled 'An Act to create and establish a Board of County Commissioners in and for Madison County,' etc., approved February 3, 1923. The bill amends the title or caption of the Act, as the title purports so to amend it, but the only amendment to the Act is that a new section, denominated Section 12½, is added thereto. No part of the original Act is set out at length, as is required by the Constitution. The Supreme Court of this State has repeatedly held that an Act could not be amended by merely adding an additional section thereto without setting out the original Act, together with the added section.

I suggest, therefore, that the bill be amended by setting out in full the Act which it purports to amend and by adding thereto Section 12½ where it

would properly and numerically occur in the bill. I therefore suggest the following amendment:

Amend the bill by striking out the last ten lines of the bill except the word "Commissioners," which is at the beginning of the first of the ten lines, and insert in lieu thereof the following:

Be it enacted by the Legislature of Alabama that said Act be amended so as to read as follows:

Section 1. There is hereby created and established "The Board of County Commissioners of Madison County" to be composed of five members, one of whom shall be the Chairman of the Board of County Commissioners, and all of whom shall be qualified voters of said County.

Section 2. The "Board of Revenue of Madison County" as now constituted, is hereby abolished from and after the time this Act becomes effective and is put into operation, and there is hereby conferred upon the Board of County Commissioners of Madison County, all jurisdiction and powers which are now, or may hereafter by law be vested in the Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of this State.

Section 3. That for the purpose of this Act and the enforcement thereof, the said County of Madison is hereby divided into five subdivisions, to be known as districts, and numbered respectively, from one to five, both inclusive. District No. 1 shall embrace and be composed of all that territory now constituting beats or precincts numbered Fourteen, Seventeen, Two, Twenty-Three, Twelve and Eleven, and known respectively as Wells, Plevna, New Market, Sulphur Springs, Hazel Green and Meridianville. District No. 2 shall embrace and be composed of all that territory now constituting beats or precincts numbered Fifteen, Three, Twenty-Two and Sixteen and known respectively as Gurley, Maysville, Hurricane No. 1 and 2 and Deposit. District No. 3 shall embrace and be composed of all that territory now constituting beats or precincts numbered Six, Eighteen, Five, Thirteen, Nineteen and Four and known respectively as Whitesburg, Clouds Cove, New Hope or Vienna, Poplar Ridge, Owens Cross Roads and Colliers. District No. 4 shall embrace and be composed of all that territory now constituting beats or precincts numbered Ten, Nine, Twenty-One and Eight and known respectively as Madison Cross Roads, Cluttsville, Monrovia, and Madison. District No. 5 shall embrace and be composed of all that territory now constituting beats or precincts numbered One, Twenty, Twenty-four and Twenty-five and known respectively as Huntsville, Dallas, West Huntsville and Merrimack.

Section 4. One member of the Board of County Commissioners shall be elected from District No. 1 by the qualified voters of said District every four years and he shall be a resident of said District. One member of the Board of County Commissioners shall be elected from District No. 2 by the qualified voters of said District, every four years and he shall be a resident of said District. One member of the Board of County Commissioners shall be elected from District No. 3 by the qualified voters of said District, every four years, and he shall be a resident of said District. One member of the Board of County Commissioners shall be elected from District No. 4 by the qualified voters of said District, every four years, and he shall be a resident of said District. Whenever a member of said Board from either of said districts shall remove from said district from which he was elected, his office on said Board shall become vacant and his successor should be appointed by the Board to serve until the next general election and until his successor is elected and qualified. The Chairman of the Board shall live in District No. 5 and shall be a resident of said District No. 5 at the time of his election or appointment, and he shall be elected by the qualified voters from the county at large.

Section 5. Members of the Board of County Commissioners shall be nominated by the voters of the respective Districts, who are authorized to participate in any primary, caucus or convention, held or called by any party.

Section 6. The Chairman of the Board of County Commissioners shall be appointed by the Governor to hold until the next general election in 1924 and until his successor is elected and qualified. The term of the Chairman shall be four years and until his successor is elected and qualified, and the Chairman shall be elected at the general election 1924 and every four years thereafter. One member of the Board of County Commissioners for each District numbered one, two, three and four shall be appointed by the Governor to hold until the next general election of 1924 and until their successors are elected and qualified. The term of said four commissioners shall be four years and until their successors are elected and qualified and a commissioner for each of the said districts numbered one, two, three and four shall be elected at the general election in 1924 and every four years thereafter.

Section 7. The Chairman of the Board of County Commissioners shall receive a salary of Twenty-Five Hundred (\$2,500.00) Dollars per annum, payable monthly from the County Treasury, and the other four members of the Board of County Commissioners shall receive Eight (\$8.00) Dollars per diem for each day such member is in attendance upon the meetings of the Board, such compensation being payable from the County Treasury, provided, that no such member of the Board, except the Chairman thereof, shall receive compensation for his services in excess of Four Hundred (\$400.00) Dollars per annum.

Section 8. The Chairman of the Board of County Commissioners is required to give his entire time and attention to the business of the Board of County Commissioners; he shall be its presiding officer, and in addition to the rights, powers, and duties prescribed in this Act, he shall exercise and perform all other rights and duties in relation to the Board of County Commissioners, and shall be liable to the same penalties in connection therewith, as are now exercised and performed by the President of the Board of Revenue of Madison County, and the Judges of Probate of the several counties of this State as provided under the general law of the State, in relation to the Court of County Commissioners. He shall issue warrants to all persons whose claims have been allowed by the Board of County Commissioners and in the same manner and under the same restrictions as same have been heretofore issued by the President of the Board of Revenue or the Judge of Probate of Madison County.

Section 9. Each member of the Board of County Commissioners is hereby required, before entering upon the duties of his office, to make and file the statutory oath of office, together with a bond with good and sufficient sureties, to be approved by the Judge of Probate of said County, payable to Madison County, conditioned for the faithful performance of the duties of their respective offices, such oath and bond to be filed with the Judge of Probate of said County. The bond of the Chairman of the Board is hereby fixed at Twenty Thousand (\$20,000.00) Dollars, and the bond of the other four members of the Board are hereby fixed at Five Thousand (\$5,000.00) Dollars each.

Section 10. The Board of County Commissioners shall hold regular meetings on the first Monday in each month, and may hold special meetings at any time on the call of the Chairman of the Board or of three members, entered in writing on the minutes of the Board. Three members of the Board shall constitute a quorum.

Section 11. The Board of County Commissioners may employ a competent engineer who shall have charge and supervision of the road work

in said county, and the Board of County Commissioners shall fix his compensation and prescribe his duties, and he shall be answerable to the Board of County Commissioners for the faithful performance of same. Said Board shall have the right to discharge said engineer at any time they see fit without giving any reason therefor. The Board may employ a competent clerk and fix his compensation not to exceed One Thousand (\$1,000.00) Dollars per annum. The Board shall have the right to discharge said clerk at any time they see proper without giving any reason therefor.

Section 12. The Board of County Commissioners shall have all the jurisdiction and powers conferred, or which may hereafter be conferred, upon the Courts of County Commissioners, Boards of Revenue, and other like governing bodies in the counties in this State, by the general laws of the State.

Section 12½. The Board of County Commissioners may, for the purpose of maintaining the public roads, bridges and ferries of Madison County, impose a tax on gasoline, Woco-Pep, or other substitute therefor sold in the County, not to exceed three cents per gallon, and provide the machinery for its collection; said tax to be levied, and the money derived therefrom to be used, for the purpose of maintaining the public roads, bridges and ferries of Madison County.

Section 13. For the purpose of this Act, the road year shall be deemed to begin October 1st and end September 30th, of each year. No person under the age of twenty-one years on October 1st of any year shall be liable for road duty for that road year.

Section 14. All persons liable for road duty are liable to work on the public roads of Madison County for a period of not exceeding ten days in each road year, not counting the time spent in opening new roads, provided that a money compensation may be paid by any such person in lieu of road work, the amount of such compensation not to exceed Ten (\$10.00) Dollars per annum for each such person. The Board of County Commissioners shall fix the number of days of work, and the amount of compensation that may be paid in lieu thereof, within the limits prescribed by this Act.

Section 15. Whenever the Board of County Commissioners shall fix the amount of compensation to be paid in lieu of road work, any person liable to road duty in said county may procure exemption from working the roads for that road year by paying the sum so fixed by the Board to the Tax Collector of Madison County on or before March 1st of the year in which he is liable to road duty, and it shall be the duty of the Tax Collector to receive such payment and to give a receipt for same and the person holding same is required to exhibit such receipt to the person warning him for such service, in order to obtain exemption from road duty. The Board of County Commissioners shall each year on or before October 1st cause to be made out and delivered to the Tax Collector a list of all persons in each precinct who are subject to road duty. It shall be the duty of a Tax Collector of Madison County to furnish the Board of County Commissioners by the 15th day of March of each year a properly verified list of all persons who have failed to obtain exemption from road work by the payment of money. The Tax Collector shall be paid by the county the sum of Twenty-Five Cents for each person making payment, in lieu of road work as herein provided.

Section 16. Any person who is warned to work the roads in Madison County may obtain the benefit of the aforesaid provisions for the payment of the compensation in lieu of road work by paying such amount as may be specified by the Board of County Commissioners to the Tax Collector of Madison County on or before the 1st day of July of each year.

Section 17. Every person liable to road duty in the County of Madison and who does not procure exemption therefrom, as herein provided, is

hereby required to work on any public road in the precinct of his residence to which he may be warned, and for each default he shall be guilty of a misdemeanor and punishable as provided by law.

Section 18. The Chairman of the Board of County Commissioners shall make a personal inspection of any and all roads under construction or repair in Madison County, necessary to keep him personally informed as to the character of work and condition of the road.

Section 19. Should any part or parts of this Act be declared unconstitutional, the other parts of the Act shall nevertheless remain in full force and effect.

Section 20. All laws, or parts of laws, local, general or special in conflict with this Act, be and the same are hereby repealed.

With this amendment, the bill will meet my approval.

Respectfully submitted,

Wm. W. Brandon,
Governor.

September 18, 1923.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill, S. 356 by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 22; nays, 0.

And said bill, S. 356, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote on the passage of said bill as amended being: Yeas, 22; nays, 0.

And said bill, together with the Governor's message, containing the proposed amendment, is herewith sent to the House for its consideration.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Hampton the House concurred in and adopted the Governor's amendment to the bill S. 356, said Governor's amendment being set out in the above and foregoing message from the Senate.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker
Adcock
Bealle
Boykin
Burns
Burton
Byars
Cato
Cook
Culver
Dowdle

Elliott
Embry
Fanning
Fite
Forman
Gaines
Goode
Goodwyn
Graves
Grove
Guy

Hall
Hampton
Hatter
Henley
Henson
Hodgson
Holcombe
Hornsby
Howard
Howze
Hubbard

Jones
Kilborn
Lee
Letson
Long
Love
Luck
Moorer
Moxley
Nichols
Norman

Odom
Parker
Patterson
Pickens

Poole
Posey
Tiller
Tunstall

Tyson
Verner
Walker
Wall

Walton
Ware
Williams
Young

—60

Which was a majority of the whole number elected to the House.

And the bill,

S. 356. To amend the title and the act entitled "An Act to create and establish a Board of County Commissioners in and for Madison County, Alabama, in the place and stead of the Board of Revenue of Madison County now existing in said County and abolishing said Board of Revenue of Madison County; to divide said County of Madison into five districts, defining the boundaries thereof; defining the jurisdiction of said Board of County Commissioners, fixing their compensation; conferring upon said Board of County Commissioners all the jurisdiction, powers and authority granted by law to County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; authorizing the appointment of said Board of County Commissioners of a Clerk, and a Supervisor of Public Roads; providing for the holding of monthly meetings of said Board of Commissioners and providing for the repeal of all laws in conflict with this Act; providing for the appointment, nomination and election of said Board of Commissioners;" approved February 3rd, 1923.

As amended by the proposed amendment of the Governor, was again read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

MEASRS:

Mr. Speaker

Adams

Adcock

Burns

Byars

Calloway

Cato

Cook

Elliott

Embry

Ferrell

Fite

Gaines

Glenn

Goode

Goodwyn

Grove

Guy

Hampton

Hodgson

Holcombe

Hornsby

Howard

Howze

Hubbard

Jones

Kilborn

Kilpatrick

Lee

Letson

Long

Love

Luck

McDaniel

McGowen

Melton

Moorer

Moxley

Nichols

Norman

Odom

Parker

Pickens

Poole

Posey

Powell

Ringer

St. John

Snodgrass

Tiller

Tunstall

Tyson

Verner

Verner

Walker

Wall

Walton

Ware

Williams

Young

—60

Which was a majority of the whole number elected to the House.

BILLS ON THIRD READING.

H. 524. To amend Sections 2692, 2697, 2698, 2699 and 2700 of the Code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 56; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Howze	Rives
Adams	Dowdle	Jones	Smith (Clay)
Adcock	Embry	Kilborn	Smith (Jefferson)
Ashcraft (Fayette)	Fanning	Kilpatrick	Sollie
Ashcraft (Lauder'de)	Fite	Lee	Stewart (Bibb)
Bealle	Forman	Letson	Stewart (Calhoun)
Bowen, L. K.	Gaines	Luck	Tunstall
Boykin	Glover	Moxley	Verner
Burns	Goodwyn	Norman	Walker
Burton	Graves	Odom	Wall
Calloway	Guy	Parker	Walton
Cato	Henson	Patterson	Ware
Cook	Holcombe	Posey	Williams
Deloney	Howard	Ringer	Young

—56

And the bill was ordered sent to the Senate without engrossment.

H. 1005 (with amendment). To make appropriation for the ordinary expenses of the offices of the Governor, the Attorney General, the Judiciary Department, and the interest on the public debt, the State Security Commission, the Public Service Commission and the Department of Archives and History.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Ways, Means and Appropriations, said Committee amendment being as follows:

Amend section (30) by striking out the words "Three thousand six hundred dollars" (\$3600.00) and inserting in lieu thereof the words "Four thousand dollars" (\$4000.00).

Amend section (56) by striking out the words "Thirty-six hundred dollars" (\$3600.00) and inserting in lieu thereof the words "twenty-five hundred dollars" (\$2500.00).

Amend section (57) by striking out the words "Twenty-four hundred dollars" (\$2400.00) and inserting in lieu thereof the words "Two thousand dollars" (\$2000.00).

Amend section (58) by striking out the words "Eighteen Hundred Dollars" (\$1800.00) and inserting in lieu thereof the words "Fifteen hundred dollars" (\$1500.00).

Amend section (59) by striking out the words "Eighteen hundred dollars" (\$1800.00) and inserting in lieu thereof the words "Fifteen hundred dollars" (\$1500.00).

Amend section (60) by striking out the words "Eighteen hundred dollars" (\$1800.00) and inserting in lieu thereof the words "Twelve hundred dollars" (\$1200.00).

Amend section (61) by striking out the words "Fifteen hundred dollars (\$1500.00) and inserting in lieu thereof the words "Twelve hundred dollars (\$1200.00).

Amend by adding the following additional words and figures, to-wit:

(66) For maintenance and expenses of the Department of Archives and History, thirteen thousand dollars (\$13,000.00) for each year.

(67) That all expended balances at the end of each fiscal year, shall be re-apportioned to each state officer, department, commission, board or institution for the full period of one calendar month after the last day of September of each fiscal year, to be used only to liquidate liabilities incurred and unpaid prior to the last day of September of the fiscal year according to schedule, which must be prepared by each state officer, department, commission, board or institution, which shall show the actual liabilities existing upon the expiration of the aforesaid calendar month for which such unexpended balances have been used to liquidate liabilities incurred and unpaid in strict accordance with the schedule submitted by each state officer, department, commission, board or institution prior to the last day of September of the fiscal year, and and all unexpended balances shall revert to the State Treasury.

(68) That for the payment of all obligations of the State not herein specifically enumerated, such annual sum as may be necessary is hereby appropriated, and that wherever any office has been created, or wherever the salary of any existing officer has been increased and the money has not been expressly appropriated to pay the salaries of the officers whose offices have been created or to pay the salaries which have been so increased, or when the appropriation made to any institution on a per capita basis is not sufficient to give the said institution the amount to which it is entitled on such per capita basis, or any salary or compensation of an officer or employee has been omitted from an appropriation bill, or for which no express compensation has been provided, such sum or sums as may be necessary to pay the same at the rate or in the manner required by the existing laws is hereby appropriated.

And the amendment was adopted.

Yeas, 52; nays, 4.

*Yeas:**Messrs:*

Mr. Speaker	Dunwoody	Holcombe	Smith (Clay)
Adams	Elliott	Howard	Smith (Jefferson)
Arrington	Embry	Howze	Smith (Lee)
Ashcraft (Fayette)	Forman	Jones	Snodgrass
Ashcraft (Lauderdl.)	Gaines	Kilborn	Stewart (Calhoun)
Bealle	Goode	Letson	Thompson (Etowah)
Bowen, L. K.	Goodwyn	Luck	Tunstall
Burton	Graves	Odom	Verner
Byars	Grove	Parker	Walker
Calloway	Guy	Rives	Wall
Christian	Hatter	Rountree	Walton
Cook	Hawkins	St. John	Williams
Dowdle	Henson	Sanders (Conecuh)	Young

—52

*Nays:**Messrs:*

Cato	Ferrell	Sanders (Pike)	Ware
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—4

And the bill,

H. 1005. To make appropriation for the ordinary expenses of the offices of the Governor, the Attorney General, the Judiciary Department, and the interest on the public debt, the State Security Commission, the Public Service Commission and the Department of Archives and History.

As amended, was read a third time at length and passed.

Yeas, 53; nays, 2.

*Yeas:**Messrs:*

Mr. Speaker	Culver	Hall	St. John
Adams	Deloney	Hatter	Sanders (Pike)
Adcock	Dowdle	Hawkins	Smith (Clay)
Arrington	Dunwoody	Holcombe	Smith (Jefferson)
Ashcraft (Fayette)	Elliott	Howze	Snodgrass
Ashcraft (Lauderdl.)	Embry	Jones	Stewart (Calhoun)
Bealle	Fanning	Kilborn	Tunstall
Bowen, L. K.	Ferrell	Letson	Verner
Boykin	Forman	Luck	Walker
Burns	Goodwyn	Odom	Wall
Burton	Graves	Powell	Walton
Byars	Grove	Ringer	Williams
Calloway	Guy	Rountree	Young
Cook			

—53

Nays: Messrs. Henson and Ware—2.

And the bill was ordered sent to the House without engrossment.

H. 1018. To make an appropriation for the necessary repair, maintenance and furnishing of the Governor's Mansion.

Was read a third time at length and passed.
Yeas, 62; nays, 2.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Howze	St. John
Adams	Dowdle	Jones	Sanders (Conecuh)
Adcock	Embry	Kilborn	Sanders (Pike)
Arrington	Fanning	Kilpatrick	Smith (Clay)
Ashcraft (Fayette)	Ferrell	Lee	Smith (Jefferson)
Ashcraft (Lauderdl.)	Forman	Letson	Smith (Lee)
Bealle	Goodwyn	Love	Snodgrass
Bowen, L. K.	Graves	Luck	Tunstall
Burns	Grove	McDaniel	Tyson
Burton	Guy	Odom	Varnar
Byars	Hatter	Parker	Verner
Cato	Hawkins	Posey	Walker
Christian	Henley	Powell	Wall
Cook	Henson	Ringer	Walton
Culver	Holcombe	Rountree	Young
Deloney	Howard		

—62

Nays: Messrs. Pickens, Stewart of Bibb.

And the bill was ordered sent to the Senate without engrossment.

H. 47. To amend chapter 21 of the Code of 1907 relating to the Geological Survey.

Was taken up. Mr. Bealle offered the following amendment to the bill:

Amend House Bill No. 47, Section 692, by striking out the words and figures "fifteen thousand dollars (\$15,000)," and inserting in lieu thereof the words and figures "twelve thousand six hundred dollars (\$12,600)."

And the amendment was adopted.

Yeas, 58; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Howard	St. John
Adcock	Embry	Howze	Sanders (Pike)
Ashcraft (Fayette)	Fanning	Jones	Smith (Clay)
Ashcraft (Lauderdl.)	Ferrell	Kilborn	Smith (Jefferson)
Bealle	Forman	Kilpatrick	Smith (Lee)
Bowen, L. K.	Goodwyn	Lee	Sollie
Boykin	Graves	Letson	Thompson (Etowah)
Burns	Grove	Love	Tunstall
Burton	Hampton	Luck	Tyson
Byars	Hatter	Odom	Verner
Calloway	Hawkins	Pickens	Walker
Christian	Henley	Posey	Wall
Cook	Henson	Ringer	Walton
Culver	Hodgson	Rountree	Young
Deloney	Holcombe		

—58

Mr. Bealle offered the following amendment to the bill:

Amend House Bill 47, Section 693, by striking out the words and figures "three hundred dollars a month (\$300.00)" and inserting in lieu thereof the words and figures "two hundred dollars a month (\$200.00)."

And the amendment was adopted.

Yeas, 58; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Howard	St. John
Adcock	Embry	Howze	Sanders (Pike)
Ashcraft (Fayette)	Fanning	Jones	Smith (Clay)
Ashcraft (Lauderd'e)	Ferrell	Kilborn	Smith (Jefferson)
Bealle	Forman	Kilpatrick	Smith (Lee)
Bowen, L. K.	Goodwyn	Lee	Sollie
Boykin	Graves	Letson	Thompson (Etowah)
Burns	Grove	Love	Tunstall
Burton	Hampton	Luck	Tyson
Byars	Hatter	Odom	Verner
Calloway	Hawkins	Pickens	Walker
Christian	Henley	Posey	Wall
Cook	Henson	Ringer	Walton
Culver	Hodgson	Rountree	Young
Deloney	Holcombe		

—58

And the bill,

H. 47. To amend chapter 21 of the Code of 1907 relating to the Geological Survey.

As amended, was read a third time at length and passed.

Yeas, 52; nays, 6.

Yeas:

Messrs:

Mr. Speaker	Culver	Henson	Ringer
Adams	Deloney	Hodgson	Smith (Clay)
Adcock	Dowdle	Howard	Smith (Lee)
Ashcraft (Fayette)	Dunwoody	Howze	Snodgrass
Ashcraft (Lauderdl.)	Embry	Jones	Sollie
Bealle	Fanning	Kilpatrick	Stewart (Bibb)
Blackwell	Ferrell	Letson	Stewart (Calhoun)
Bowen, Lewis	Gaines	Luck	Tunstall
Bowen, L. K.	Goodwyn	McDaniel	Verner
Byars	Graves	Odom	Walker
Cato	Grove	Parker	Walton
Christian	Guy	Pickens	Williams
Cook	Hatter	Posey	Young

—52

Nays:

Messrs:

Burton	Love	Sanders (Pike)	Thompson (Etowah)
Hampton	Moxley		

—6

And the bill was ordered sent to the Senate without engrossment.

H. 853. To amend Sections 2 and 15 of an Act entitled "An Act to regulate the mining of coal in Alabama," approved April 18, 1911, and as amended by an Act approved 30th day of September, 1919.

Was taken up. Mr. Ware offered the following amendment to the bill:

"That H. B. No. 853 be amended by striking out Section 2 of said bill."

Mr. Fite moved to table the amendment offered by Mr. Ware, and the motion to table was lost.

And the amendment offered by Mr. Ware was lost.

Yeas, 40; nays, 40.

Yeas:

Messrs:

Adcock	Dunwoody	Henson	Sanders (Conecuh)
Ashcraft (Fayette)	Elliott	Hornsby	Sanders (Pike)
Blackwell	Ferrell	Lee	Smith (Clay)
Boykin	Gaines	Long	Sollie
Burns	Glover	Love	Stewart (Calhoun)
Burton	Guy	Moxley	Tiller
Calloway	Hall	Norman	Tyson
Christian	Hampton	Parker	Varner
Cook	Hawkins	Posey	Walton
Culver	Henley	Rives	Ware

—40

Nays:

Messrs:

Mr. Speaker	Fite	Jones	Smith (Jefferson)
Ashcraft (Lauderd')	Forman	Kilborn	Smith (Lee)
Bealle	Glenn	Kilpatrick	Snodgrass
Bowen, Lewis	Goode	Letson	Thompson (Etowah)
Bowen, L. K.	Goodwyn	Luck	Tunstall
Cato	Grove	McDaniel	Verner
Dickinson	Hatter	Melton	Walker
Dowdle	Hodgson	Odom	Wall
Embry	Holcombe	Powell	Williams
Fanning	Howze	St. John	Young

—40

Mr. Ware offered the following amendment to the bill:

"Amend Section 15 of said bill by striking out the figures \$50,000.00 where they occur in said section and insert in lieu thereof the figures \$25,000.00."

And the amendment offered by Mr. Ware was lost.

Yeas, 37; nays, 42.

Yeas:

Messrs:

Adcock	Elliott	Hornsby	Sanders (Concub)
Ashcraft (Fayette)	Gaines	Howard	Sanders (Pike)
Blackwell	Glenn	Long	Smith (Clay)
Boykin	Glover	Love	Sollie
Burns	Hall	Moxley	Stewart (Calhoun)
Burton	Hampton	Norman	Tiller
Calloway	Hawkins	Parker	Tyson
Cook	Henley	Ringer	Varner
Culver	Henson	Rives	Ware
Dunwoody			

—37

Messrs:

Nays:

Mr. Speaker	Fanning	Howze	St. John
Adams	Ferrell	Jones	Smith (Jefferson)
Ashcraft (Lauderd ^l)	Fite	Kilborn	Smith (Lee)
Bealle	Forman	Letson	Snodgrass
Bowen, Lewis	Goode	Luck	Thompson (Etowah)
Bowen, L. K.	Goodwyn	McDaniel	Tunstall
Cato	Grove	Melton	Verner
Christian	Guy	Odom	Walker
Deloney	Hatter	Patterson	Williams
Dickinson	Hodgson	Powell	Young
Embry	Holcombe		

—42

And the bill,

H. 853. To amend Sections 2 and 15 of an Act entitled "An Act to regulate the mining of coal in Alabama," approved April 18, 1911, and as amended by an Act approved 30th day of September, 1919.

Was read a third time at length and passed.

Yeas, 48; nays, 30.

Yeas:

Messrs:

Mr. Speaker	Fanning	Howard	Smith (Jefferson)
Adams	Ferrell	Howze	Smith (Lee)
Ashcraft (Fayette)	Fite	Jones	Snodgrass
Ashcraft (Lauderd ^e)	Forman	Kilborn	Stewart (Calhoun)
Bealle	Glenn	Letson	Thompson (Etowah)
Bowen, Lewis	Goode	Luck	Tunstall
Bowen, L. K.	Goodwyn	McDaniel	Varner
Cato	Graves	Odom	Verner
Deloney	Grove	Patterson	Walker
Dickinson	Guy	Powell	Wall
Dowdle	Henley	Rountree	Williams
Embry	Hodgson	St. John	Young

—48

Nays:

Messrs:

Adcock	Burton	Gaines	Hawkins
Blackwell	Christian	Glover	Henson
Boykin	Cook	Hall	Hornsby
Burns	Culver	Hampton	Long

Love
Moxley
Norman
Parker

Rives
Sanders (Conecuh)
Sanders (Pike)
Smith (Clay)

Sollie
Stewart (Bibb)
Tiller

Tyson
Walton
Ware

—30

And the bill was ordered sent to the Senate without engrossment.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 365. To amend Section 10 of an Act entitled "An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing message from the Senate.

BILLS ON THIRD READING.

H. 548. To make appropriation for the maintenance and support of the State Training School for Girls, and for the erection, repairing and equipment of buildings and purchasing furniture and equipment therefor and purchasing additional land.

Was taken up. Mr. Howze offered the following amendment to the bill:

Amend the caption by striking out the following: "and for the erection, repairing and equipment of buildings and purchasing furniture and equipment therefor and purchasing land."

And the amendment was adopted.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Howard	Posey
Adams	Fanning	Howze	Ringer
Ashcraft (Fayette)	Ferrell	Jones	Rives
Ashcraft (Lauderdl.)	Fite	Kilborn	Rountree
Bealle	Forman	Lee	St. John
Bowen, Lewis	Glenn	Letson	Sanders (Pike)
Bowen, L. K.	Glover	Long	Smith (Jefferson)
Boykin	Goode	Luck	Sollie
Burns	Goodwyn	McDaniel	Stewart (Calhoun)
Byars	Graves	Melton	Tiller
Calloway	Grove	Moxley	Tunstall
Cato	Guy	Norman	Varner
Cook	Hatter	Odom	Verner
Culver	Henley	Parker	Walker
Deloney	Henson	Patterson	Williams
Dickinson	Hodgson	Pickens	Young
Dowdle	Holcombe		

—66

Mr. Howze offered the following amendment to the bill:

"Amend said bill by striking out Section 2."

And the amendment was adopted.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Howard	Posey
Adams	Fanning	Howze	Ringer
Ashcraft (Fayette)	Ferrell	Jones	Rives
Ashcraft (Lauderdl.)	Fite	Kilborn	Rountree
Bealle	Forman	Lee	St. John
Bowen, Lewis	Glenn	Letson	Sanders (Pike)
Bowen, L. K.	Glover	Long	Smith (Jefferson)
Boykin	Goode	Luck	Sollie
Burns	Goodwyn	McDaniel	Stewart (Calhoun)
Byars	Graves	Melton	Tiller
Calloway	Grove	Moxley	Tunstall
Cato	Guy	Norman	Varner
Cook	Hatter	Odom	Verner
Culver	Henley	Parker	Walker
Deloney	Henson	Patterson	Williams
Dickinson	Hodgson	Pickens	Young
Dowdle	Holcombe		

—66

And the bill,

H. 548. To make appropriation for the maintenance and support of the State Training School for Girls, and for the erection, repairing and equipment of buildings and purchasing furniture and equipment therefor and purchasing additional land.

As amended, was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Howze	Sanders (Conecuh)
Ashcraft (Fayette)	Ferrell	Jones	Sanders (Pike)
Ashcraft (Lauderd'l)	Fite	Kilborn	Smith (Jefferson)
Bealle	Glenn	Letson	Snodgrass
Boykin	Goode	Luck	Stewart (Bibb)
Byars	Goodwyn	McDaniel	Thompson (Etowah)
Christian	Graves	Odom	Tiller
Cook	Grove	Parker	Tunstall
Culver	Hatter	Patterson	Verner
Deloney	Hawkins	Pickens	Walker
Dickinson	Henley	Posey	Wall
Dowdle	Henson	Ringer	Walton
Dunwoody	Hodgson	Rives	Ware
Elliott	Holcombe	Rountree	Williams
Embry	Howard	St. John	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 589. To make appropriations to the Alabama Boys' Industrial School.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Kilborn	Smith (Jefferson)
Adcock	Forman	Letson	Smith (Lee)
Ashcraft (Fayette)	Gaines	Luck	Snodgrass
Ashcraft (Lauderd'l)	Glenn	McDaniel	Stewart (Bibb)
Bealle	Glover	Melton	Stewart (Calhoun)
Boykin	Goode	Moxley	Thompson (Etowah)
Burns	Goodwyn	Norman	Tiller
Byars	Grove	Odom	Tunstall
Christian	Guy	Patterson	Tyson
Cook	Henley	Posey	Verner
Culver	Henson	Ringer	Verner
Deloney	Hodgson	Rives	Walker
Dickinson	Holcombe	Rountree	Wall
Dowdle	Howard	St. John	Walton
Embry	Howze	Sanders (Conecuh)	Williams
Fanning	Jones	Sanders (Pike)	Young
Ferrell			

—65

And the bill was ordered sent to the Senate without engrossment.

H. 1046. To abolish the Court of County Commissioners of Choctaw County, Alabama; to establish a Board of Revenue for said County; to provide for the appointment and election of the chairman and members thereof and to prescribe and limit their duties, powers and responsibilities and fix their compensation; to divide the county of Choctaw into four Board of Revenue districts; to provide a clerk for said Board of Revenue and to fix

his duties and compensation, and to prescribe penalties for the violation of the provisions of this Act, and repeal all laws in conflict with the provisions of this Act.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Guy	Luck
Adams	Deloney	Hall	McDaniel
Adcock	Dowdle	Henley	Moorer
Allen	Elliott	Henson	Moxley
Arrington	Embry	Hodgson	Nichols
Bealle	Fanning	Hornsby	Norman
Blackwell	Ferrell	Howard	Odom
Boykin	Fite	Howze	Parker
Burns	Forman	Jeter	Pickens
Burton	Gaines	Jones	Poole
Byars	Glenn	Kilborn	Posey
Cato	Glover	Lee	Powell
Christian	Goode	Letson	Ringer
Coleman	Graves	Long	Rives
Cook	Grove	Love	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 1047. To impose a per capita Road Tax in lieu of personal service on the public roads of Choctaw County, Alabama, to provide for the collection of such tax and the disposition of the proceeds thereof; to provide for the appointment of a Road Supervisor for said county; to provide for the appointment of Road Overseers; to authorize the appointment of a Road Engineer, and to otherwise provide for the more efficient construction, maintenance and improvement of the public roads and bridges in said Choctaw County, Alabama.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glenn	Kilborn	Posey
Adams	Glover	Kilpatrick	Rountree
Boykin	Goode	Lee	St. John
Burns	Graves	Letson	Sanders (Conecuh)
Burton	Grove	Long	Sanders (Pike)
Byars	Guy	Love	Smith (Clay)
Cato	Hall	Luck	Smith (Jefferson)
Cook	Hampton	Moorer	Smith (Lee)
Culver	Holcombe	Moxley	Sollie
Elliott	Hornsby	Odom	Stewart (Bibb)
Embry	Howze	Patterson	Stewart (Calhoun)
Gaines	Jones	Pickens	Thompson (Etowah)

Thompson (Jackson) Tyson
 Tiller Varner
 Tunstall Verner

Walker
 Wall
 Walton

Ware
 Williams
 Young

—60

And the bill was ordered sent to the Senate without engrossment.

RECESS.

On motion of Mr. Long, the House recessed until 8 o'clock tonight.

NIGHT SESSION.

The hour of eight o'clock having arrived, the House reconvened.

BILLS ON SECOND READING.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 1054. To amend Section 6577 of the Code of 1907.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

S. 460 (with amendment). To exempt cotton mills or factories, and other textile mills, or additions thereto, constructed or made during the period beginning Sept. 30, 1923 and ending Sept. 30, 1930, from state, county and municipal taxes, for a period not to exceed five years; all such exemption to terminate finally Sept. 30, 1930.

The above and foregoing bills were severally read a second time and placed on the Calendar.

BILL ON THIRD READING.

H. 565 (with amendment). To make appropriations for the maintenance of the summer quarters of the State normal schools for white teachers located at Florence, Jacksonville, Livingston and Troy, and of the State normal school for negroes, located at Montgomery.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Ways, Means and Appropriations. On motion of Mr. Ashcraft of Lauderdale the further consideration of the bill was postponed until the next Legislative Day.

BILLS ON THIRD READING.

H. 39. To provide for the completion of the topographical survey and map of the State of Alabama.

Was read a third time at length and passed.

Yeas, 49; nays, 5.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Howard	Ringer
Adams	Elliott	Howze	Rives
Adcock	Embry	Jones	St. John
Ashcraft (Fayette)	Fanning	Kilborn	Smith (Lee)
Ashcraft (Lauderdl.)	Ferrell	Long	Snodgrass
Bealle	Fite	Luck	Stewart (Bibb)
Blackwell	Forman	McDaniel	Stewart (Calhoun)
Bowen, Lewis	Goode	Nichols	Tunstall
Bowen, L. K.	Goodwyn	Odom	Verner
Burns	Grove	Patterson	Walker
Byars	Henson	Pickens	Wall
Culver	Hodgson	Posey	Williams
Dowdle			

—49

Nays:

Messrs:

Cook	Moxley	Sanders (Conecuh)	Sanders (Pike)
Jeter			

—5

And the bill was ordered sent forthwith to the Senate without engrossment.

H. 960. To make an additional appropriation for the enforcement of the laws of the State.

Was read a third time at length and passed.

Yeas, 44; nays, 13.

Yeas:

Messrs:

Mr. Speaker	Culver	Jeter	St. John
Adams	Dowdle	Jones	Smith (Jefferson)
Adcock	Embry	Kilborn	Smith (Lee)
Ashcraft (Fayette)	Fanning	Lee	Stewart (Calhoun)
Ashcraft (Lauderdl.)	Ferrell	Letson	Thompson (Etowah)
Bealle	Goodwyn	Luck	Thompson (Jackson)
Bowen, L. K.	Grove	McDaniel	Tyson
Boykin	Henley	Nichols	Walker
Burns	Henson	Odom	Wall
Byars	Hodgson	Patterson	Ware
Christian	Holcombe	Ringer	Williams

—44

Nays:

Messrs:

Bowen, Lewis
Burton
Cook
Glenn

Glover
Long
Moxley

Parker
Posey
Rives

Sanders (Conecuh)
Sanders (Pike)
Snodgrass

—13

And the bill was ordered sent to the Senate without engrossment.

H. 1021. To make an appropriation for the maintenance of the Home for Mental Inferiors of Alabama and the inmates thereof.

Was read a third time at length and passed.

Yeas, 51; nays, 5.

Yeas:

Messrs:

Mr. Speaker

Adams
Adcock
Ashcraft (Fayette)
Ashcraft (Lauderdl.)
Bealle
Bowen, Lewis
Bowen, L. K.
Boykin
Burns
Byars
Christian
Cook

Culver
Elliott
Embry
Fanning
Ferrell
Fite
Forman
Glenn
Glover
Goode
Goodwyn
Grove
Hall

Henley
Henson
Hodgson
Holcombe
Howze
Jones
Kilborn
Letson
Long
McDaniel
Moxley
Odom
Patterson

Pickens
Rives
Sanders (Conecuh)
Sanders (Pike)
Smith (Clay)
Smith (Jefferson)
Smith (Lee)
Stewart (Calhoun)
Thompson (Etowah)
Tunstall
Tyson
Wall

—51

Nays:

Messrs:

Burton
Hampton

Jeter

Kilpatrick

Lee

—5

And the bill was ordered sent to the Senate without engrossment.

H. 940. To provide that the unexpended balances in all special and trust funds, except those provided for in the Constitution and such appropriations as are taken in whole or in part from the General Educational Fund or from the annual legislative appropriation to the public schools and the pension fund, be made to revert to the general fund at the close of each fiscal year.

Was read a third time at length and passed.

Yeas, 59; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams
Adcock

Ashcraft (Fayette)
Ashcraft (Lauderdl.)
Bealle
Bowen, Lewis
Bowen, L. K.
Boykin

Burns
Burton
Byars

Cook	Henson	Nichols	Smith (Jefferson)
Culver	Holcombe	Odom	Smith (Lee)
Deloney	Jeter	Parker	Snodgrass
Embry	Kilborn	Patterson	Stewart (Calhoun)
Fanning	Kilpatrick	Pickens	Tunstall
Ferrell	Lee	Posey	Tyson
Glenn	Letson	Ringer	Walker
Glover	Long	Rives	Wall
Goode	Love	St. John	Ware
Goodwyn	Luck	Sanders (Conecuh)	Williams
Hampton	McDaniel	Sanders (Pike)	Young
Henley	Moxley	Smith (Clay)	

—59

And the bill was ordered sent to the Senate without engrossment.

H. 656. To appropriate twenty-five thousand dollars to be used by the commissioner of conservation of Alabama in fostering, protecting, improving, developing and regulating the oyster industry of Alabama, in conserving the oyster resources of the State of Alabama, and in making the barren oyster bottoms productive.

Was taken up. Mr. Long moved to indefinitely postpone the bill and the motion was lost.

Yeas, 30; nays, 43.

Yeas:

Messrs:

Adams	Cook	Lee	Posey
Adcock	Dunwoody	Long	Sanders (Conecuh)
Ashcraft (Fayette)	Forman	Love	Sanders (Pike)
Blackwell	Gaines	Moxley	Sollie
Boykin	Hall	Nichols	Stewart (Bibb)
Burns	Hampton	Parker	Thompson (Jackson)
Burton	Henson	Pickens	Ware
Christian	Jeter		

—30

Nays:

Messrs:

Mr. Speaker	Embry	Howze	Smith (Clay)
Arrington	Fanning	Jones	Smith (Jefferson)
Ashcraft (Lauder's)	Ferrell	Kilborn	Smith (Lee)
Bealle	Fite	Letson	Snodgrass
Bowen, Lewis	Goode	Luck	Stewart (Calhoun)
Bowen, L. K.	Goodwyn	McDaniel	Thompson (Etowah)
Byars	Graves	Odom	Tunstall
Culver	Grove	Powell	Walker
Dickinson	Henley	Ringer	Walton
Dowdle	Hodgson	Rives	Williams
Elliott	Holcombe	St. John	

—43

Mr. Kilborn offered the following amendment to the bill:

Amend H. B. 656 by adding thereto as follows: "Provided that the amount hereby appropriated shall be paid out of the oyster fund of the Department of Conservation."

And the amendment was adopted.

Yeas, 56; nays, 12.

Yeas:

Messrs:

Mr. Speaker	Elliott	Holcombe	Rives
Adams	Embry	Howard	Sanders (Conecuh)
Arrington	Fanning	Howze	Sanders (Pike)
Ashcraft (Lauderd ¹)	Ferrell	Jeter	Smith (Clay)
Bealle	Fite	Jones	Smith (Jefferson)
Blackwell	Goode	Kilborn	Smith (Lee)
Bowen, Lewis	Goodwyn	Lee	Snodgrass
Bowen, L. K.	Graves	Letson	Stewart (Calhoun)
Burns	Grove	Luck	Tunstall
Byars	Hampton	McDaniel	Varner
Christian	Hatter	Patterson	Walker
Culver	Henley	Pickens	Wall
Deloney	Henson	Powell	Walton
Dowdle	Hodgson	Ringer	Williams

—56

Nays:

Messrs:

Adcock	Cook	Moxley	Sollie
Boykin	Forman	Nichols	Stewart (Bibb)
Burton	Gaines	Parker	Thompson (Jackson)

—12

And the bill,

H. 656. To appropriate twenty-five thousand dollars to be used by the commissioner of conservation of Alabama in fostering, protecting, improving, developing and regulating the oyster industry of Alabama, in conserving the oyster resources of the State of Alabama, and in making the barren oyster bottoms productive.

As amended, was read a third time at length and passed.

Yeas, 43; nays, 27.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Jones	Sanders (Pike)
Arrington	Fite	Kilborn	Smith (Clay)
Ashcraft (Lauderd ¹)	Goode	Letson	Smith (Jefferson)
Bealle	Goodwyn	Luck	Snodgrass
Bowen, L. K.	Graves	Odom	Stewart (Calhoun)
Culver	Grove	Patterson	Varner
Deloney	Hatter	Pickens	Walker
Dowdle	Henley	Powell	Wall
Elliott	Hodgson	Ringer	Walton
Embry	Holcombe	Rives	Williams
Fanning	Howze	St. John	

—43

Nays:

Messrs:

Adams	Blackwell	Christian	Hall
Adcock	Boykin	Cook	Hampton
Ashcraft (Fayette)	Burton	Forman	Hawkins

Henson	Love	Posey	Thompson (Etowah)
Jeter	McDaniel	Sanders (Conecuh)	Thompson (Jackson)
Lee	Moxley	Sollie	Ware
Long	Nichols	Stewart (Bibb)	—27

And the bill was ordered sent to the Senate without engrossment.

H. 227 (with substitute). For the relief of Thomas J. Hale of Reform, Pickens County, Alabama, to pay him the sum of \$500.00 and the interest thereon from July 1st, 1910, due him by a contract made with him by the State High School Commission, employing him as principal of the Pickens County High School for the year 1909-10.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Ways, Means and Appropriations, said committee substitute being as follows:

Substitute for H. 227, by Committee on Ways, Means and Appropriations:

A. BILL.

To be entitled an Act for the relief of Thomas J. Hale, of Reform, Pickens County, Alabama, to pay him the sum of \$500.00 due him by a contract made with him by the State High School Commission, employing him as principal of the Pickens County High School for the year 1909-10.

Whereas, the State High School Commission employed Thomas J. Hale as principal of the County High School of Pickens County, Alabama, located in said county, to teach and conduct said school for the year 1909-10, at and for the sum of \$1,300.00 for the said year, and whereas, the said Thomas J. Hale did perform the duties of principal of the said school for the said term, but the State paid him only eight hundred dollars of the said thirteen hundred dollars that it owed him for said services, and whereas the State of Alabama still owes the said Thomas J. Hale the balance of said contract price for said service, to-wit: the sum of five hundred dollars which has been due him since July 1st, 1910, Therefore,

Be it enacted by the Legislature of Alabama:

Section 1. That the State of Alabama owes Thomas J. Hale the sum of five hundred dollars.

Section 2. That the State Auditor be and is hereby required to draw a warrant on the State Treasurer of Alabama in favor of the said Thomas J. Hale for said amount of five hundred dollars payable out of any fund in the State Treasury not otherwise appropriated.

And the substitute was adopted.

Yeas, 63; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Hodgson	Ringer
Adams	Dunwoody	Howze	Rives
Adcock	Embry	Jeter	Sanders (Pike)
Ashcraft (Fayette)	Fanning	Jones	Smith (Clay)
Ashcraft (Lauderdl)	Ferrell	Kilborn	Smith (Jefferson)
Bealle	Fite	Kilpatrick	Smith (Lee)
Bowen, Lewis	Forman	Lee	Stewart (Calhoun)
Bowen, L. K.	Goode	Letson	Thompson (Etowah)
Boykin	Goodwyn	Love	Thompson (Jackson)
Burns	Graves	Luck	Tunstall
Burton	Grove	Nichols	Tyson
Byars	Hall	Odom	Varner
Christian	Hampton	Parker	Wall
Cook	Hatter	Patterson	Walton
Culver	Henley	Pickens	Ware
Deloney	Henson	Posey	

—63

And the bill,

H. 227. For the relief of Thomas J. Hale of Reform, Pickens County, Alabama, to pay him the sum of \$500.00 and the interest thereon from July 1st, 1910, due him by a contract made with him by the State High School Commission, employing him as principal of the Pickens County High School for the year 1909-10.

As amended, was read a third time at length and passed.

Yeas, 67; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Hodgson	Posey
Adams	Dunwoody	Holcombe	Ringer
Adcock	Elliott	Howze	Rives
Ashcraft (Fayette)	Embry	Jeter	Sanders (Pike)
Ashcraft (Lauderdl)	Fanning	Jones	Smith (Clay)
Bealle	Ferrell	Kilborn	Smith (Jefferson)
Blackwell	Fite	Kilpatrick	Smith (Lee)
Bowen, Lewis	Forman	Lee	Snodgrass
Bowen, L. K.	Goode	Letson	Stewart (Bibb)
Boykin	Goodwyn	Luck	Stewart (Calhoun)
Burns	Graves	McDaniel	Thompson (Jackson)
Burton	Grove	Moxley	Tyson
Byars	Hall	Nichols	Varner
Christian	Hampton	Odom	Walker
Cook	Hatter	Parker	Walton
Culver	Henley	Patterson	Ware
Deloney	Henson	Pickens	

—67

And the bill was ordered sent to the Senate without engrossment.

H. 518 (with substitute). To establish a State secondary agricultural school for the ninth (9th) congressional district of

Alabama; to provide for the erection and maintenance thereof, and to specify the location.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Ways, Means and Appropriations, said committee substitute being as follows:
Substitute for H. 518:

A BILL.

To be entitled an Act to create and establish and locate a state secondary agricultural school in School District 4-A, Jefferson County, Alabama; to provide for the control thereof; to make appropriations for its support and maintenance; and to authorize the County Board of Revenue to make appropriations therefor.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created and established in School District 4-A, Jefferson County, Alabama, a state secondary agricultural school, which school shall be located at or near Corner schoolhouse, the site to consist of not less than ten acres and at least eighty acres of farm land adjacent to or near the site, to be selected and approved by the State Board of Education.

Section 2. That there shall be tendered the State of Alabama a deed in fee simple to the site and farm land approved for the location of the school together with the sum of sixty thousand dollars (\$60,000.00), this amount to be used for the erection of suitable school and farm buildings and for the purchase of equipment. When the site and farm land have been deeded to the State and the amount of sixty thousand dollars (\$60,000.00) required for the erection of the necessary buildings and for the purchase of equipment has been deposited with the State Board of Education, the said Board shall proceed with the erection of the buildings and shall formally open the school as soon as said buildings have been completed and equipped; provided that the provisions of this Act shall be null and void should the conditions relating to the deeding of site and farm land and the depositing of funds set out in the foregoing not be complied with in full on or before July 1, 1924.

Section 3. That the supervision and control of said school shall be under the State Board of Education in like manner as in the case of state secondary agricultural schools already established. The same rules and regulations for the government and control of these schools shall obtain in the management and control of this institution.

Section 4. That there is hereby appropriated out of the general treasury of the State out of any funds not otherwise appro-

priated, the same amount for the support and maintenance of this institution as is or may be appropriated to any one of the state secondary agricultural schools already established, this appropriation to be paid out in the same manner as the appropriations are paid to the other state secondary agricultural schools.

Section 5. That the County Board of Revenue of Jefferson County is hereby authorized to make appropriations towards the establishment, support and maintenance of this institution.

Section 6. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Mr. L. K. Bowen offered the following amendment to the substitute reported by the Standing Committee on Ways, Means and Appropriations:

Amend the substitute for H. 518, Section 2 thereof, by striking out the words and figures "sixty thousand dollars (\$60,000.00)" where they appear in said section and inserting in lieu thereof the words and figures "one thousand dollars (\$1,000.00)."

Mr. Long moved to table the amendment offered by Mr. L. K. Bowen, and the motion to table was lost, and the amendment to the substitute offered by Mr. L. K. Bowen was adopted.

And the substitute reported by the Committee as amended by the amendment of Mr. L. K. Bowen was adopted.

Yeas, 57; nays, 5.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Henson	Powell
Adcock	Dunwoody	Hodgson	Ringer
Arrington	Elliott	Hornsby	Rives
Ashcraft (Fayette)	Embry	Howze	St. John
Ashcraft (Lauderd'l)	Fanning	Jeter	Smith (Clay)
Bealle	Ferrell	Jones	Smith (Jefferson)
Bowen, Lewis	Fite	Lee	Smith (Lee)
Bowen, L. K.	Glenn	Letson	Snodgrass
Boykin	Glover	Luck	Stewart (Calhoun)
Burns	Goode	McDaniel	Tyson
Byars	Goodwyn	Odom	Walker
Christian	Grove	Patterson	Wall
Cook	Hampton	Pickens	Ware
Culver	Hatter	Posey	Williams
Deloney			

—57.

Nays:

Messrs:

Burton	Moxley	Sanders (Conecuh)	Sollie
Long			

—5

And the bill,

H. 518. To establish a State secondary agricultural school for the ninth (9th) congressional district of Alabama; to provide

for the erection and maintenance thereof, and to specify the location.

As amended by the substitute as amended, was read a third time at length and passed.

Yeas, 54; nays, 3.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Hornsby	Rives
Arrington	Elliot	Howze	St. John
Ashcraft (Fayette)	Embry	Jeter	Smith (Clay)
Ashcraft (Lauderdl.)	Ferrell	Jones	Smith (Jefferson)
Bealle	Fite	Lee	Smith (Lee)
Bowen, Lewis	Glenn	Letson	Snodgrass
Bowen, L. K.	Glover	Luck	Stewart (Calhoun)
Boykin	Goode	McDaniel	Tunstall
Burns	Goodwyn	Odom	Tyson
Byars	Graves	Patterson	Walker
Christian	Grove	Pickens	Wall
Cook	Hatter	Powell	Ware
Deloney	Henson	Ringer	Williams
Dowdle	Hodgson		

—54

Nays:

Messrs:

Burton	Long	Sollie
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—3

And the bill was ordered sent to the Senate without engrossment.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Foster (with notice and proof):

S. 490. To amend an Act entitled an Act to provide for the payment of claims against the fine and forfeiture fund of Tuscaloosa county, approved February 23, 1899, so that the same will read as follows:

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE.

Notice is hereby given that there will be introduced and offered for passage at the present session of the Legislature of Alabama a bill to be entitled as follows:

A bill to amend an Act entitled an Act to provide for the payment of claims against the fine and forfeiture fund of Tuscaloosa County, approved February 23, 1899, so that the same will read as follows:

Be it enacted by the Legislature of Alabama:

That Section 1 of an Act approved February 23, 1899, entitled an Act to provide for the payment of claims against the fine and forfeiture fund of Tuscaloosa County be and the same hereby is amended so that the same will read as follows:

Section 1: Be it enacted by the Legislature of Alabama that the Treasury of Tuscaloosa County shall pay out of any money in the general funds or treasury of said county, not otherwise appropriated, all claims which would have accrued against the fine and forfeiture fund of said County, if the same had not been abolished, after the passage of this Act, upon the presentation and surrender to him of a certificate therefor issued and proven as now provided by law.

W. C. Kyle,
Sheriff.

State of Alabama, }
Tuscaloosa County. }

Before me the undersigned authority, in and for said State and County, personally appeared Aaron Miller, who being duly sworn deposes and says that he is the Publisher of the Tuscaloosa News and Times-Gazette, a newspaper published in Tuscaloosa, Tuscaloosa County, Alabama, affiant further states that the attached "Legal Notice" was published in said Tuscaloosa News and Times-Gazette once a week for four consecutive weeks before this date. In the issues of August 16th, August 24th, August 30th and September 3rd, 1923.

Aaron Miller,
Publisher of Tuscaloosa News and Times-Gazette.

Sworn to and subscribed before me this 4th day of September, 1923.

R. Cornell,
Notary Public and Ex-Officio Justice of the Peace.

Also:

By Mr. Craft (with notice and proof):

S. 504. To provide that in the event the Constitution of Alabama should be amended to authorize Mobile county to increase its indebtedness, bond issue and tax rate for the purposes of constructing or improving of concrete or better than concrete surfaced public roads, and concrete or better than concrete public bridges in said county, and for the construction of bridges and roadway necessary to provide a public road for vehicular travel between the highlands of Mobile and Baldwin counties, in an amount not to exceed six and one-half per centum of the assessed value of the property situated in Mobile county, such indebtedness to be in addition to the amount now authorized by the Constitution, then Mobile county may issue bonds for the construction or improvement of concrete or better than concrete surfaced public roads, and concrete or better than concrete public bridges in said county, in an amount not to exceed six and one-half per centum of the assessed value of the property situated in Mobile county, such indebtedness to be in addition to the amount now authorized by the Constitution.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama, {
Mobile County. }

Before me, Clara M. Stokes, a Notary Public in and for said State and County, personally appeared A. M. Wing, who being by me first duly sworn, did depose and say upon his oath that

I am Auditor of The Mobile Register, a newspaper published in said County; the following printed notice of the intention to apply for the enactment of the law, as stated in the notice, was published, without cost to the State, in Mobile County, Alabama, once a week for four consecutive weeks in The Mobile Register, appearing in the issues of said newspaper regularly published and circulated on August 7, August 14, August 21, and August 28, 1923, from one of which issues the following publication was clipped:

Notice is hereby given of the intention to apply to the present Legislature of Alabama for the passage of a bill to provide that in the event the Constitution of Alabama should be amended to authorize Mobile County to increase its indebtedness, bond issues and tax rate for the purpose hereinafter provided, and if this Legislature authorizes the increases by said County of its indebtedness and the levy by said County of an annual tax on property situate in Mobile County, not to exceed one-half of one per centum, to pay said indebtedness and the interest thereon, then Mobile County may issue bonds for the construction or improvement of concrete or better than concrete surfaced public roads, and concrete or better than concrete public bridges in said county, and for the construction of bridges and roadway necessary to provide a public road for vehicular travel between the highlands of Mobile and Baldwin Counties, in an amount not to exceed six and one-half per centum of the assessed value of the property situate in Mobile County, such indebtedness to be in addition to the amount now authorized by the Constitution. Provided that no such additional bonds shall be issued until each improvement or construction proposed to be built thereby, its approximate location, estimated cost and time of completion, and the amount of the proposed increase, shall have been determined upon and made public by the Board of Revenue and Road Commissioners of Mobile County, and the proposed issue of bonds therefor shall have been first authorized by a majority vote by ballot of the qualified voters of Mobile County voting upon such proposition; and to provide further, that the question of increase of indebtedness and issue of bonds and levy of tax may all be submitted upon the same ballot at the same election.

In witness whereof, said A. M. Wing has hereto subscribed his name.

A. M. Wing

and made his oath thereto in my presence at Mobile, Alabama, this 28th day of August, 1923.

Witness my hand and notarial seal at said place and date.

(Seal)

Clara M. Stokes,

Notary Public, Mobile County, Alabama.

Also:

By Mr. Waddell (with notice and proof):

S. 518. To require the judge of probate of Russell county, in addition to the office in the court house at Seale to keep open a branch office in the city of Girard, and to declare the effect of the business transactions in such branch office. And to fix his pay for making the indexes mentioned in Section 3 and the abstract mentioned in Section 4, of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama to have passed an Act substantially as follows:

An Act to require the Judge of Probate of Russell County, in addition to the office in the Court House at Seale, to keep open a branch office in the City of Girard, and to declare the effect of the business transactions in such branch office. And to fix his pay for making the indexes mentioned in Section 3 and the abstract mentioned in Section 4, of this Act.

Section 1. Be it enacted by the Legislature of Alabama, that the Judge of Probate of Russell County, in addition to the office in the Court House at Seale, shall keep open an office in the City of Girard, on every day except Sundays and legal holidays, from nine o'clock in the morning until four in the afternoon, for the transaction of business.

Section 2. Be it further enacted that records of all kinds must be kept in such branch office, which are required by law to be kept in probate offices; and all papers or instruments filed for record in such branch office and recorded therein, the filing and registration thereof shall have the same force and effect in all respects as if the same had been filed and recorded in the Probate Office in the Court House at Seale.

Section 3. That said Judge of Probate may hold Court, and otherwise transact any business in said branch office, which he could legally do in said office at the Court House in Seale; and the records of all business transacted in said branch office shall be kept in said branch office.

Section 4. That such Judge of Probate shall make and keep in said branch office, in well bound books direct and reverse indexes of the records of all deeds of conveyance, mortgages and other instruments given to secure payment of debts, and lines of judgment and decrees, which shall have been recorded in the office of the said Probate Judge at Seale prior to the time of the opening of the office in the City of Girard.

Section 5. That after the opening of said office in Girard, it shall be the duty of the said Judge of Probate to keep in his office at the Court House in Seale for public inspection, an abstract of all deeds of conveyance, mortgages and other instruments given to secure the payment of debts, and liens of judgments and decrees, which shall be filed for record in said branch office, which abstract shall give the name of the grantor, the name of the grantee, the consideration of an instrument and a description of the property conveyed, in the case of deeds, mortgages and other instruments made to secure the payments of debts, and name of the plaintiff and of the defendant and the amount of the judgment recorded, in the case of judgments; and he shall keep in said branch office like abstracts of such as may be filed for record in said office in the Court House at Seale.

Section 6. Be it further enacted that such Judge of Probate shall be paid out of the County treasury for the work done in making the indexes mentioned in Section 4 of this Act and the abstracts mentioned in Section 5 of this Act, fifteen cents for each one hundred words.

Section 7. This Act shall go into effect as soon as a suitable place for holding Court and safely keeping the above described records shall be provided in the City of Girard.

The State of Alabama, }
Russell County. }

Before me, Isabel A. Moses, a Notary Public, personally appeared I. I. Moses, Publisher of the Phenix-Girard Journal, who being duly sworn, deposes and says that the attached notice of an Act to require the Judge of Probate of Russell County, in addition to the office in the Court House at Seale to keep open a branch office in the City of Girard, etc., was published for four successive weeks, viz: in the issues of August 16, 1923,

August 23, 1923, August 30, 1923, and September 6, 1923, in the Phenix-Girard Journal, a weekly newspapers of general circulation published in Girard, Alabama.

I. I. Moses,
Publisher Phenix-Girard Journal.

Sworn to and subscribed before me, this 8th day of September, 1923.
(Seal)

Isabel A. Moses,
Notary Public.

Also:

By Mr. Waddell (with notice and proof):

S. 519. To require the board of jury commissioners of Russell county to prepare two boxes of names of jurors in accordance with Section 7240 of the Code of Alabama, and all subsequent amendments thereto, one to be used in drawing the juries for the circuit court of Russell county at Seale, and the other to be used in drawing the juries for the circuit court of said county at Girard.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama to have passed an Act substantially as follows:

An Act to require the Board of Jury Commissioners of Russell County to prepare two boxes of names of jurors in accordance with Section 7240 of the Code of Alabama, and all subsequent amendments thereto, one to be used in drawing the juries for the Circuit Court of Russell County at Seale, and the other to be used in drawing the juries for the Circuit Court of said County at Girard.

Section 1. Be it enacted by the Legislature of Alabama, that the Board of Jury Commissioners of Russell County is hereby required to prepare a box of the names of the jurors in accordance with Section 7240 of the Code of Alabama, and all subsequent amendments thereto, to be used in drawing juries for the Circuit Court of said County at Seale from persons who reside south and west of a line described as follows: Commencing on the western boundary line of Russell County, at a point equally distant from the north boundary line and the south boundary of Township 16, and running thence east along a line equally distant from said north boundary line and said south boundary line of said Township 16, to the Big Uchee creek, thence down said Big Uchee creek to the western boundary line of Range 30, thence south along the west boundary line of Range 30, thence south along the west boundary line of Range 30 to the south boundary line of Township 15, thence east to the Chattahoochee river; and to prepare another box of such names in like manner to be used in drawing juries for the Circuit Court of said County at Girard from persons who reside north and east of said line.

Section 2. This act shall not go into effect until a place for holding court shall have been provided in the City of Girard.

The State of Alabama, }
Russell County. }

Before me, Isabel A. Moses, a Notary Public, personally appeared I. I. Moses, Publisher of the Phenix-Girard Journal, who being duly sworn, deposes and says that the attached notice of an Act to require the Board of

Jury Commissioners of Russell County to prepare two boxes of names of jurors in accordance with Section 7240 of the Code of Alabama, and all subsequent amendments thereto, one to be used in drawing the juries for the Circuit Court of Russell County at Seale, and the other to be used in drawing the juries for the Circuit Court of said County at Girard, was published for four successive weeks, viz: in the issues of August 16, 1923, August 23, 1923, August 30, 1923, and September 6, 1923, in the Phenix-Girard Journal, a weekly newspaper of general circulation published in Girard, Alabama.

I. I. Moses,

Publisher Phenix-Girard Journal.

Sworn to and subscribed before me this 8th day of September, 1923.

(Seal)

Isabel A. Moses,

Notary Public.

Also:

By Mr. Waddell (with notice and proof):

S. 520. To fix the time and places of holding the county court of Russell county.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama to have passed an Act substantially as follows:

An Act to fix the time and place of holding the County Court of Russell County:

Section 1. Be it enacted by the Legislature of Alabama, That a County Court for the trial of misdemeanors, shall be held at the court house, at Seale, on the first Mondays in January, March, May, July, September and November; and in the City of Girard on the first Mondays in February, April, June, August, October and December of each year, and each term may continue until the business is disposed of.

Section 2. This act shall go into effect immediately after its passage.

The State of Alabama, }
Russell County. }

Before me, Isabel A. Moses, a Notary Public, personally appeared I. I. Moses, Publisher of the Phenix-Girard Journal, who being duly sworn, deposes and says that the attached notice of an Act to fix the time and places of holding the County Court of Russell County was published for four successive weeks, viz: in the issues of August 16, 1923, August 23, 1923, August 30, 1923, and September 6, 1923, in the Phenix-Girard Journal, a weekly newspaper of general circulation published in Girard, Alabama.

I. I. Moses,

Publisher Phenix-Girard Journal.

Sworn to and subscribed before me this 8th day of September, 1923.

(Seal)

Isabel A. Moses,

Notary Public.

Also:

By Mr. Waddell (with notice and proof):

S. 521. To establish an additional circuit court in the county of Russell at Girard.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama to have passed an Act substantially as follows:

An Act to establish an additional Circuit Court in the County of Russell at Girard.

Section 1. Be it enacted by the Legislature of Alabama, that the County of Russell be and the same is hereby divided as follows: Commencing on the western boundary line of Russell County at the point equally distant from the north boundary line and the south boundary line of township sixteen, and running thence east along a line equally distant from the said north boundary line to the said south boundary line of said township Sixteen to the Big Uchee Creek, thence down to the said Big Uchee Creek to the western boundary line of Range 30, thence south along the west side of Range 30 to the south boundary of Township 15, thence east to the Chattahoochee river.

Section 2. Be it further enacted, that all causes of action both civil and criminal, which are in the jurisdiction of a circuit court and are triable within the County of Russell, may be brought either in the Circuit Court of said County at Seale, or the Circuit Court of said County at Girard; provided, however, that if the defendant lives on the north or east side of the line described in Section 1 of this Act, such suit, if brought in the Circuit Court of said County at Seale, shall be removed for trial to the Circuit Court of said County at Girard, at the request of defendants, and provided further that if the defendant lives on the south or west side of said line such suit, if brought in the Circuit Court of said County at Girard shall be removed for trial to the Circuit Court of said County at Seale, at the request of the defendant; provided that if no such request is made by the defendant at the first term of the Court at which such cause is triable and within the time allowed for pleading, the presiding judge may refuse to allow such cause to be removed; and it shall stand for trial in the Court in which it was brought. In civil suits against more than one defendant, the cause must be tried in the Court where it is brought if one or more of such defendants live on one side of said line and one or more of such defendants live on the other side of said line.

Section 3. Be it further enacted that when any cause is removed from one Circuit Court to the other in said County, the presiding judge shall cause to be entered upon the minutes of the Court where the suit was first brought an order that said cause be removed into the other Court for trial and, thereupon, the clerk of such Court shall transfer all the papers in such cause to such other Court and shall enter said cause upon the docket of said Court, which shall stand for trial at the next term of such Court.

Section 4. Be it further enacted that the calls or sessions of the Circuit Court of Russell County, at Girard, shall be fixed by the Judge of the Third Judicial Circuit.

Section 5. Be it further enacted that owing to the unsettled financial condition of Russell County, it shall be the duty of the City of Girard to furnish temporary quarters for holding said court, and a place for the safe keep of the necessary records, and furnish such offices for the officers and their deputies until such time when permanent quarters can be furnished.

Section 6. Be it further enacted that on the first date named in Section Four which occurs after the passage of this act the said Circuit Court shall be held in Girard.

The State of Alabama, }
Russell County. }

Before me, Isabel A. Moses, a Notary Public, personally appeared
I. I. Moses, Publisher of the Phenix-Girard Journal, who being duly sworn,

deposes and says that the attached notice of an Act to establish an additional Circuit Court in the County of Russell at Girard, was published for four consecutive weeks, viz: in the issues of August 16, 1923, August 23, 1923, August 30, 1923, and September 6, 1923, in the Phenix-Girard Journal, a weekly newspaper of general circulation published in Girard, Alabama.

I. I. Moses,
Publisher Phenix-Girard Journal.

Sworn to and subscribed before me this 8th day of September, 1923.
(Seal)

Isabel A. Moses,
Notary Public.

Also:

By Mr. Waddell (with notice and proof):

S. 522. To fix the time and places of holding the regular terms of the board of revenue of Russell county.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama to have passed an Act substantially as follows:

An Act to fix the times and places of holding the regular terms of the Board of Revenue of Russell County.

Section 1. Be it enacted by the Legislature of Alabama, That the regular terms of The Board of Revenue of Russell County shall be held at the Court House at Seale, on the second Mondays of February and August, and in the City of Girard on the first Mondays of April and November of each year.

Section 2. This act shall go into effect immediately upon the necessary offices being provided in Girard for holding said Board of Revenue.

The State of Alabama, }
Russell County. }

Before me, Isabel A. Moses, a Notary Public, personally appeared I. I. Moses, publisher of the Phenix-Girard Journal, who being duly sworn, deposes and says that the attached notice of an Act to fix the time and places of holding the regular terms of the Board of Revenue of Russell County, was published for four successive weeks, viz: in the issues of August 16, 1923, August 23, 1923, August 30, 1923, and September 6, 1923, in the Phenix-Girard Journal, a weekly newspaper of general circulation published in Girard, Alabama.

I. I. Moses,
Publisher Phenix-Girard Journal.

Sworn to and subscribed before me, this 8th day of September, 1923.
(Seal)

Isabel A. Moses,
Notary Public.

Also:

By Mr. Hutson (with notice and proof):

S. 531. To repeal an Act entitled an Act to regulate the business of money brokers and persons who lend money for themselves or others on bill of sale, notes or mortgages on personal property or other personal security, in Jefferson, Morgan, Walker and Etowah counties.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama, }
Morgan County. }

Before me, Italyne Hardwick, a Notary Public in and for said State and County, this day personally appeared D. K. Wiggins, who being by me duly sworn, deposes and says that he is the owner and publisher of the Hartselle Enterprise, a newspaper published in Hartselle, Morgan County, Alabama; that the following notice appeared once a week for four consecutive weeks in said paper, and on the dates of July 26th, August 2nd, August 9th and August 16th, 1923; that said notice was published without cost to the State of Alabama, and that said notice is as follows:

"Notice is hereby given that at the present session of the Legislature of Alabama, there will be introduced a bill as follows:

AN ACT

To repeal an Act entitled an Act to regulate the business of money brokers and persons who lend money for themselves or others on bill of sale, notes or mortgages on personal property or other personal security, in Jefferson, Morgan, Walker and Etowah counties.

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled 'An Act to regulate the business of money brokers and persons who lend money for themselves or others on bill of sale, notes or mortgages on personal property or other personal security, in Jefferson, Morgan, Walker and Etowah counties,' which was passed at the session of the Legislature of 1901, and approved on March 9, 1901, be, and the same is hereby repealed insofar as said Act applies to Morgan County.

Section 2. Be it further enacted that all of the State's laws which are general shall apply in Morgan County, to those persons who loan money upon personal security."

D. K. Wiggins.

Sworn to and subscribed before me, this 8th day of September, 1923.

(Seal)

Italyne Hardwick,
Notary Public.

Also:

By Mr. Hutson (with notice and proof) :

S. 532. To authorize and require the court of county commissioners of Morgan county, Alabama, to pay or cause to be paid by proper order of said court, out of the general fund of Morgan county, Alabama, the reasonable market value of any products, articles, goods, wares, merchandise or things of value, ordered or purchased by the sheriff or any other officer, whether purchased by order of or authority of said court, or under the court's direction, or whether purchased by the sheriff or other said officers, when said products, wares or merchandise were used for county purposes or in or upon county buildings, during the time from January 1, 1919 to December 31, 1923, and provide means whereby the creditor of the county may establish his indebtedness and the necessary facts to prove the use of the goods by the county.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama,)
Morgan County.)

Before me, Nina Hodges, a Notary Public in and for said State and County, this day personally appeared before me, Ben M. Bloodworth, who being by me duly sworn, deposes and says that he is the Associate Editor of the Albany-Decatur Daily, a newspaper published in Albany, Morgan County, Alabama; that the following notice appeared once a week for four consecutive weeks, in said newspaper, and on the dates of July 7th, 14th, 21st and 28th, 1923; that said notice was published without cost to the State of Alabama, and said notice is as follows:

"Notice is hereby given that there will be introduced at the adjourned session of the Legislature, meeting July, 1923, a bill the substance of which is as follows:

"That the Court of County Commissioners shall be required to pay or cause to be paid, any indebtedness contracted by any officer of Morgan county, from January 1, 1919 to December 31, 1923, where it can be shown that for said indebtedness the goods, wares, merchandise or other articles furnished were used in furtherance of the county business, in or upon county buildings or for county purposes. Said bill will provide means whereby the creditor of the county may establish his indebtedness and the necessary facts to prove the use of the goods by the county."

Ben M. Bloodworth.

Sworn to and subscribed before me, this 4th day of September, 1923.

Nina Hodges,
Notary Public.

Also:

By Mr. Hudgens (with notice and proof):

S. 534. To change the several districts of the commissioners court of Crenshaw county.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of the State of Alabama, the purpose of which will be to change the Commissioners District of Crenshaw County as they now are and to establish them to be as follows to-wit: That from and after the passage of said bill, the first Commissioners District in Crenshaw County shall be composed of beats numbers three, five and seven. The second Commissioners District shall be composed of beats one, two, four and thirteen. The Third Commissioners District shall be composed of beats ten, nine, and eleven, and the Fourth Commissioners District shall be composed of beats fourteen, six, twelve, eight and fifteen.

Shorter C. Hudgens.

AFFIDAVIT OF PUBLICATION.

I, C. J. Kettler, publisher of the Crenshaw County News, a newspaper published weekly at Luverne, Ala., do solemnly swear that a copy of the above notice, as per clipping attached, was published once a week in the regular and entire issue of said newspaper, and not in any supplement

thereof, for four consecutive weeks commencing with the issue dated August 16th, 1923, and ending with the issue dated September 6th, 1923.

Subscribed and sworn to before me this 6th day of September, 1923.
(Seal) C. J. Kettler.
Wilkie Pope,
Notary Public.

Also:

By Mr. Overton:

S. 513. To authorize and create an additional judge of the fifth judicial circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other circuit judges of the State, and to provide for the salary of said judge.

J. E. Speight,
Secretary.

SENATE MESSAGE:

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Local Legislation, S. 490, S. 518, S. 519, S. 520, S. 521, S. 522, S. 531, S. 532, S. 534.

Revision of Laws, S. 504, S. 513.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Hutson:

S. 215. To amend Section 8 of an Act entitled "An Act to incorporate the Farmers Mutual Insurance Association of the State of Alabama.

J. E. Speight,
Secretary.

SENATE MESSAGE:

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate Standing Committee as follows:

Banking and Insurance, S. 215.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 645. To provide for the working of county convicts on the public roads of Morgan county, Alabama. To provide penalty to be insubordinate or to attempt to escape and to provide how convicts shall be released and to authorize the road superintendent of Morgan county to lease convicts of other counties.

J. E. Speight,
Secretary.

SENATE MESSAGE:

On motion of Mr. Forman the House concurred in and adopted the Senate amendment to the bill H. 645, said Senate amendment being as follows:

Amend House Bill 645 by striking out the words "felony" where it appears in Section 2 and inserting in lieu thereof the word "misdemeanor" and by striking out the words "two years" in last line of Section 2 and inserting in lieu thereof "one year" and by adding in Section 1 immediately after the words "approval of this Act" the following: and after the Road Superintendent of Morgan County shall notify the Probate Judge of Morgan County in writing that he is ready to work the convicts on the public roads."

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Hodgson	Posey
Adams	Fanning	Howze	Powell
Adcock	Forman	Jeter	Rives
Allen	Gaines	Jones	Rountree
Bealle	Glenn	Lee	St. John
Boykin	Glover	Letson	Sollie
Burns	Goode	Long	Tiller
Burton	Goodwyn	Love	Tunstall
Byars	Graves	Luck	Tyson
Cato	Grove	Melton	Verner
Christian	Guy	Moorer	Walker
Coleman	Hall	Moxley	Walton
Cook	Hatter	Odom	Ware
Culver	Henley	Parker	Williams
Deloney	Henson	Poole	Young

—60

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:
By Mr. Craft (with notice and proof):

S. 525. To provide that in the event the Constitution of Alabama should be amended to authorize Mobile county to in-

crease its indebtedness, bond issue and tax rate for the purpose of construction or improvement of concrete or better than concrete surfaced public roads, and concrete or better than concrete public bridges in said county, and for the construction of bridges and roadway necessary to provide for the vehicular travel between the highlands of Mobile and Baldwin counties, in an amount not to exceed six and one-half per centum of the assessed value of the property situated in Mobile county, such indebtedness to be in addition to the amount now authorized by the Constitution, and if the Legislature authorizes the issue by said county of bonds for such indebtedness and the levy by said county of an annual tax on the property situated in Mobile county, not to exceed one-half of one per centum, to pay said indebtedness and the interest thereon, to authorize Mobile county to become indebted for the construction and improvement of such concrete roads or bridges in an amount not to exceed six and one-half per centum of the assessed value of the property situated in Mobile county, such indebtedness to be in addition to the amount now authorized by the Constitution.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama, }
Mobile County. }

Before me, Clara M. Stokes, a Notary Public in and for said State and County, personally appeared A. M. Wing, who being by me first duly sworn, did depose and say upon his oath that

I am Auditor of The Mobile Register, a newspaper published in said County; the following printed notice of the intention to apply for the enactment of the law, as stated in the notice, was published, without cost to the State, in Mobile County, Alabama, once a week for four consecutive weeks in The Mobile Register, appearing in the issues of said newspaper regularly published and circulated on August 7, August 14, August 21, and August 28, 1923, from one of which issues the following publication was clipped:

Notice is hereby given of the intention to apply to the present Legislature of Alabama for the passage of a bill to provide that in event the Constitution of Alabama should be amended to authorize Mobile County to increase its indebtedness, bond issue and tax rate for the purposes hereinafter provided, and if this Legislature authorizes the issue by said County of bonds for such indebtedness and the levy by said County of an annual tax on property situate in Mobile County, not to exceed one-half of one per centum to pay said indebtedness and the interest thereon, then Mobile County may become indebted for the construction or improvement of concrete or better than concrete surfaced public roads, and concrete or better than concrete public bridges in said County, and for the construction of bridges and roadway necessary to provide a public road for vehicular travel between the highlands of Mobile and Baldwin Counties, in an amount not to exceed six and one-half per centum of the assessed value of the property situated in Mobile County, such indebtedness to be in addition to the amount now authorized by the Constitution. Provided that no such additional indebtedness shall be created until each improvement or construction proposed to be

built thereby, its approximate location, estimated cost and time of completion, and the amount of proposed increase, shall have been determined upon and made public by the Board of Revenue and Road Commissioners of Mobile County, and the proposed increase of indebtedness therefor shall have been first authorized by a majority vote by ballot of the qualified voters of Mobile County voting upon such proposition; and to provide further, that the question of increase of indebtedness and issue of bonds and levy of tax may all be submitted upon the same ballot at the same election.

In witness whereof, said A. M. Wing has hereto subscribed his name

A. M. Wing

and made his oath thereto in my presence at Mobile, Alabama, this 28th day of August, 1923.

Witness my hand and notarial seal at said place and date.

(Seal)

Clara M. Stokes,

Notary Public, Mobile County, Alabama.

Also:

By Mr. Teasley (with notice and proof):

S. 509. To authorize the board of revenue of Montgomery county, Alabama, to pay to Frank Stollenwerck the sum of \$470.99 to refund to him taxes paid by him, by Emma Stollenwerck, deceased, and by Frank Stollenwerck, deceased, to the county of Montgomery on erroneous assessments made against property in Montgomery, Alabama, belonging to the respective parties at the times of said assessments.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that the undersigned intends to apply to the Alabama Legislature at its present session to pass an act for his relief by the appropriation of to-wit: Fifteen Hundred Dollars, to be paid to him to refund him for taxes paid to the State of Alabama and County of Montgomery on erroneous assessments against certain real estate in Montgomery, Alabama, for the years 1909 to 1921, both inclusive.

Frank Stollenwerck.

State of Alabama,)
Montgomery County. }

Before me personally appeared Brame Hood who states on oath that he is Business Manager of The Montgomery Journal, a paper published in said County and State, and that the attached notice was published in that paper on August 15, 22, 29 and September 5th.

Brame Hood.

Sworn to and subscribed before me this fifth day of September, 1923.

(Seal)

L. L. Mooneyham,
Notary Public.

Also:

By Mr. Teasley (with notice and proof):

S. 369. To appropriate \$381.62 to be paid to Frank Stollenwerck to refund to him taxes paid by him, by Emma Stollenwerck, deceased, and Frank Stollenwerck, deceased, to the State of Alabama on erroneous assessments made against property in

Montgomery, Alabama, belonging to the respective parties at the times of said assessments and to authorize the State Treasurer to pay the same to said Frank Stollenwerck.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that the undersigned intends to apply to the Alabama Legislature at its present session to pass an act for his relief by the appropriation of to-wit: Fifteen Hundred Dollars, to be paid to him to refund him for taxes paid to the State of Alabama on erroneous assessments against certain real estate in Montgomery, Alabama, for the years 1909 to 1921, both inclusive.

Frank Stollenwerck.

State of Alabama, }
Montgomery County. }

Before me, L. L. Mooneyham, personally appeared W. Guy Cheatham who states on oath that he is manager of the classified department of The Montgomery Journal and that the attached notice appeared in that paper on July 10, 17, 28 and 31.

W. Guy Cheatham,
(Manager Classified Dept.)

Sworn to and subscribed before me this the ninth day of August, 1923.
(Seal)

L. L. Mooneyham,
Notary Public.

Also:

By Mr. Waddell:

S. 501. To authorize the governing authorities of a municipality whose boundaries have been altered, extended or arranged so as to include the territory lying within the corporate limits of another municipality in another county to change the name of the municipality within a certain time after the extension of said corporate limits.

Also:

By Mr. Martin (with notice and proof):

S. 353. For the relief of the Dothan Insurance Agency, a corporation, for tax erroneously paid the State of Alabama, and the county of Houston for the year 1922, and to authorize and require the State and county to refund the same.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama, }
Houston County. }

Before me, W. C. Batchelor, a Notary Public, in and for said State and County, personally appeared W. T. Hall, who, being by me first duly sworn, deposes and says that, he is the Editor and Publisher of the Dothan Eagle, a newspaper published at Dothan, in said State and County, and that the following notice, to-wit:

"Notice is hereby given that a bill will be introduced at the adjourned session of the Legislature of Alabama, which convenes on the 10th day of July, 1923, the substance of which will be, for the relief of the Dothan

Insurance Agency, a Corporation of Dothan, Alabama, for the sum of \$106.22, erroneously paid to the State of Alabama for the year 1922, and for the sum of \$171.60, amount of taxes erroneously paid the County of Houston for the year 1922, and to authorize and require the State and County to refund said amounts.

This June 30th, 1923.

Dothan Insurance Agency, a Corporation,
By E. C. Porter, President."

was published in said newspaper for four consecutive weeks beginning with the issue of the 30th day of June, 1923, and continued to and contained in the issue of the 21st day of July, 1923, and that said notice has been published once a week for four consecutive weeks.

W. T. Hall.

Sworn to and subscribed before me this the 31st day of July, 1923.
(Seal)

W. C. Batchelor,

Notary Public, Houston County, Alabama.

J. E. Speight,
Secretary.

SENATE MESSAGE:

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committee as follows:

Local Legislation, S. 525, S. 509, S. 501.

Ways, Means and Appropriations, S. 369, S. 353.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 364. To amend Section 7 of an Act entitled An Act to establish an Inferior Civil Court in lieu of Justices of the Peace for all precincts lying within or partly within the City of Mobile, approved April 15th, 1911.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the resolution:

H. J. R. 229. Relative to commending the life and labors of Hon. John Craft for the cause of good roads.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bills and returns same herewith to the House:

H. 381. To provide for the election and appointment of a county superintendent of education for Marion county, Alabama, fix his or her term of office, fix the qualifications, the compensation and the successor in said office.

H. 514. To create the office of first assistant clerk and ex-officio judge of the Jefferson county court of misdemeanors of Jefferson county, Alabama; to define his duties, compensation, and authority, to provide for his appointment and compensation, the equipment and location of his office, and for the repeal of all laws in conflict with the provisions of this Act.

H. 510. To amend "An Act to regulate inferior courts in cities having more than thirty-five thousand population according to the last Federal census, or any subsequent Federal census, to prescribe the jurisdiction of such courts and provide for the number and compensation of the judges for said courts, and to provide for the appointment and compensation of the clerks, assistant clerks, bailiffs and other officers thereof, and to abolish the office of the justice of the peace in said cities." Said Act having been approved September 25, 1915.

J. E. Speight,
Secretary.

SENATE MESSAGE:

On motion of Mr. Letson the House concurred in and adopted the Senate amendment to the bill, H. 381, said Senate amendment being as follows:

Amendment to House Bill No. 381:

The Committee on Local Legislation of the Senate hereby recommends the following amendments:

Amend Section 1 so as to read as follows:

Sec. 1. That at the general election to be held on the first Tuesday after the first Monday in November 1924 and every four years thereafter there shall be elected a County Superintendent of Education for Marion County, Alabama under this special Act. No person shall be eligible for political party nomination or for election to the office of County Superintendent of Education of said county who does not as now required hold an Alabama certificate in Administration and Supervision based as a minimum upon graduation from a standard normal school or equivalent education with at least one year of additional study of college

grade and proof of three years of successful teaching experience; provided that, if no person meeting these requirements qualifies for nomination and election as provided in this Act, the County Board of Education shall appoint a county superintendent of education as provided by the general law regulating the appointment of superintendents.

Amend Section 3 so as to read as follows:

Sec. 3. The salary of the County Superintendent of Education for Marion County, Alabama is hereby fixed at not less than \$2400.00 per annum, payable monthly as is now provided by law.

Amend the bill by striking Section 4 therefrom.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Kilborn	Posey
Adams	Glenn	Kilpatrick	Powell
Adcock	Glover	Lee	Ringer
Boykin	Goode	Letson	Rives
Burns	Goodwyn	Long	St. John
Burton	Grove	Love	Snodgrass
Byars	Guy	Luck	Tiller
Cato	Hall	McDaniel	Tunstall
Christian	Henley	Melton	Tyson
Cook	Henson	Moorer	Verner
Culver	Hodgson	Moxley	Wall
Deloney	Hornsby	Nichols	Walton
Elliott	Howze	Odom	Ware
Embry	Jeter	Parker	Williams
Ferrell	Jones	Pickens	Young

—60

On motion of Mr. Fite, the House concurred in and adopted the Senate amendment to the bill, H. 514, said Senate amendment being as follows:

Amend House bill 514 by striking out Sections 8 and 9 of said bill.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Henson	McDaniel
Adams	Deloney	Hornsby	Melton
Adcock	Dickinson	Howard	Moorer
Bealle	Dowdle	Howze	Moxley
Boykin	Fite	Jeter	Nichols
Burns	Gaines	Kilpatrick	Norman
Burton	Grove	Lee	Odom
Byars	Guy	Letson	Parker
Cato	Hall	Long	Pickens
Christian	Hatter	Love	Poole
Cook	Henley	Luck	Posey

Rives	Sollie	Varner	Walton
Rountree	Tiller	Verner	Ware
St. John	Tunstall	Walker	Williams
Smith (Jefferson)	Tyson	Wall	Young

—60

On motion of Mr. Smith of Jefferson, the House concurred in and adopted the Senate amendment to the bill H. 510, said Senate amendment being as follows:

Amend the bill by adding Section 5½ as follows:

Section 5½. Provided further that this Act shall apply to or affect only such courts as now have, by law, civil and criminal jurisdictions, and shall not apply to or effect the jurisdiction, or power or authority of any such courts upon which is conferred jurisdiction in criminal causes only, nor to any such courts upon which is conferred jurisdiction in civil causes only.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Hodgson	Poole
Adams	Dickinson	Hornsby	Posey
Adcock	Dowdle	Howze	Rountree
Bealle	Ferrell	Jeter	St. John
Bowen, Lewis	Fite	Jones	Sanders (Conecuh)
Bowen, L. K.	Gaines	Kilpatrick	Sanders (Pike)
Boykin	Glenn	Lee	Smith (Jefferson)
Burns	Graves	Letson	Tiller
Burton	Grove	Love	Tunstall
Byars	Guy	Luck	Tyson
Cato	Hall	Melton	Wall
Christian	Hatter	Moorer	Walton
Coleman	Hawkins	Norman	Ware
Cook	Henley	Odom	Williams
Culver	Henson	Parker	Young

—60

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bills and returns same herewith to the House:

H. 793. To provide for the election of a county superintendent of education for Blount County, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the term and compensation of such officer.

H. 630. To close and abandon certain described portions of streets, avenues and alleys in the city of Sheffield and county of Colbert.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. St. John, the House concurred in and adopted the Senate amendment to the bill, H. 793, said Senate amendment being as follows:

Amend Section 3 of the bill by adding thereto the following sentence: "Provided that if there be a vacancy in said office from any cause whatever, the county board is authorized to fill such vacancy as is provided by the general laws of the State."

Yeas, 60; nays, 0.

Yeas:

Messrs:			
Mr. Speaker	Forman	Jeter	Pickens
Adcock	Gaines	Jones	Poole
Arrington	Glenn	Lee	Posey
Bealle	Glover	Letson	St. John
Boykin	Goode	Long	Tiller
Burns	Goodwyn	Love	Tunstall
Burton	Graves	Luck	Tyson
Byars	Grove	McDaniel	Varner
Cato	Guy	Melton	Verner
Coleman	Hall	Moorer	Walker
Cook	Henley	Moxley	Wall
Culver	Henson	Nichols	Walton
Fanning	Hodgson	Norman	Ware
Ferrell	Hornsby	Odom	Williams
Fite	Howze	Parker	Young

—60

On motion of Mr. Deloney, the House concurred in and adopted the Senate amendment to the bill, H. 630, said Senate amendment being as follows:

Amend House Bill No. 630 by striking out of the enacting clause the words "the State of" where they appear in the first line of the same.

Yeas, 60; nays, 0.

Yeas:

Messrs:			
Mr. Speaker	Gaines	Jeter	Ringer
Adams	Glenn	Jones	Rives
Adcock	Glover	Kilpatrick	St. John
Bealle	Goode	Lee	Sollie
Blackwell	Graves	Letson	Tiller
Boykin	Grove	Long	Tunstall
Burns	Guy	Love	Tyson
Cato	Hall	Luck	Varner
Cook	Hatter	Melton	Verner
Culver	Henley	Moorer	Walker
Deloney	Henson	Moxley	Wall
Dowdle	Hodgson	Parker	Walton
Elliott	Hornsby	Pickens	Ware
Embry	Howard	Poole	Williams
Fite	Howze	Powell	Young

—60

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

S. 416. To make appropriations to the Alabama College, the University of Alabama and the Alabama Polytechnic Institute.

Said Governor's message containing the proposed amendment being in the following words and figures, to-wit:

MESSAGE TO THE SENATE.

Gentlemen:

I herewith return you Senate Bill No. 416 without my approval.

My only objection to the bill is that it should require that the sum appropriated to the different institutions should continue to be apportioned among the several departments of each institution as it is now apportioned to the several departments, so that the sums appropriated to each institution shall be devoted to the same purposes for which they are now devoted.

I, therefore, suggest that the bill be amended by adding at the end thereof Section 4 so as to read as follows:

"Section 4. That it is the purpose and intent of this Act that the monies appropriated by this Act to each of said institutions shall be devoted by each of said institutions to the same purposes, annually, and in the same amounts as now provided by the laws making appropriations to each of said institutions for the fiscal year ending September 30th, 1923; except that the provisions of this section shall in no way affect the appropriation mentioned in Section 3 of this Act to secure the benefit of the Federal Smith-Lever Fund."

Respectfully submitted,

(Signed) Wm. W. Brandon,
Governor.

Sept. 18, 1923.

And the Senate has concurred in and adopted the amendment proposed by the Governor to said bill by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 24; nays, 0.

And said bill as thus amended by the amendment of the Governor was again read a third time at length and passed by a majority of the whole number elected to the Senate; said vote on the passage of said bill as amended being: Yeas, 22; nays, 2.

And said bill, together with the Governor's message containing the proposed amendment, is herewith sent to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Ashcraft of Lauderdale, the House concurred in and adopted the amendment proposed by the Governor

to the bill, S. 416, said Governor's amendment being set out in the above and foregoing message from the Senate.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Holcombe	Posey
Adams	Dunwoody	Howard	Powell
Adcock	Embry	Howze	Rives
Arrington	Fanning	Jeter	St. John
Ashcraft (Fayette)	Fite	Jones	Sanders (Pike)
Ashcraft (Lauderd ¹)	Gaines	Kilborn	Smith (Clay)
Bealle	Glenn	Lee	Smith (Jefferson)
Bowen, Lewis	Glover	Letson	Smith (Lee)
Bowen, L. K.	Goode	Long	Snodgrass
Boykin	Goodwyn	Love	Sollie
Burns	Graves	Luck	Stewart (Calhoun)
Burton	Grove	Moxley	Thompson (Etowah)
Byars	Hampton	Odom	Walker
Christian	Hatter	Parker	Wall
Cook	Henley	Patterson	Ware
Culver	Henson	Pickens	Williams
Deloney	Hodgson		

—66

Which was a majority of the whole number elected to the House.

And the bill,

S. 416. To make appropriations to the Alabama College, the University of Alabama, and the Alabama Polytechnic Institute.

As amended by the amendment of the Governor, was again read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Holcombe	Posey
Adams	Dunwoody	Howard	Powell
Adcock	Embry	Howze	Rives
Arrington	Fanning	Jeter	St. John
Ashcraft (Fayette)	Fite	Jones	Sanders (Pike)
Ashcraft (Lauderd ¹)	Gaines	Kilborn	Smith (Clay)
Bealle	Glenn	Lee	Smith (Jefferson)
Bowen, Lewis	Glover	Letson	Smith (Lee)
Bowen, L. K.	Goode	Long	Snodgrass
Boykin	Goodwyn	Love	Sollie
Burns	Graves	Luck	Stewart (Calhoun)
Burton	Grove	Moxley	Thompson (Etowah)
Byars	Hampton	Odom	Walker
Christian	Hatter	Parker	Wall
Cook	Henley	Patterson	Ware
Culver	Henson	Pickens	Williams
Deloney	Hodgson		

—66

Which was a majority of the whole number elected to the House.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committee as follows:

By Mr. Fite (with notice and proof) :

H. 1066. To close, vacate and annul a strip of the uniform width of seventeen and 5/10 (17.5) feet off of the South side of Virginia Avenue, running from the east line of Kentucky Street, according to the map and survey of City Development Company's subdivision of Boyles, as recorded in map book six (6), on page fifty-four (54) in the Probate Office of Jefferson County, Alabama, to the west line of Indiana Street, according to the map and survey known as Mountain Park and recorded in the Probate Office, of Jefferson County, Alabama, in map book seven (7), on page twenty-five (25).

Local Legislation.

Notice and proof H. 1066 :

AN ACT.

To close, vacate and annul a strip of the uniform width of seventeen and 5/10 (17.5) feet off the south side of Virginia Avenue, running from the east line of Kentucky Street, according to the map and survey of City Development Company's subdivision of Boyles, as recorded in map book six (6), on page fifty-four (54) in the Probate Office of Jefferson County, Alabama, to the west line of Indiana Street, according to the map and survey known as Mountain Park and recorded in the Probate Office of Jefferson County, Alabama, in map book seven (7), on page twenty-five (25).

(1) Be it enacted by the Legislature of Alabama, that a strip of the uniform width of seventeen and 5/10 (17.5) feet off of the south side of Virginia Avenue, running from the east line of Kentucky Street, according to the map and survey of City Development Company's subdivision of Boyles, as recorded in map book six (6), on page fifty-four (54) in the Probate Office of Jefferson County, Alabama, to the west line of Indiana Street, according to the map and survey known as Mountain Park, and recorded in the Probate Office of Jefferson County, Alabama in map book seven (7), on page twenty-five (25), be closed, vacated and annulled, said land being situated in Jefferson County, Alabama.

State of Alabama, }
Jefferson County. }

Personally appeared before me, a Notary Public in and for the said State and County, J. C. Sheehan, who after being duly cautioned and sworn, depose and says as follows: That he is the advertising manager of The Southern Labor Review, a weekly newspaper published in the State of Alabama, County of Jefferson, City of Birmingham, and that a legal notice was published for four (4) consecutive weeks in the above named paper, July 11, 19, 25, and August 1, 1923, copy of which is hereto attached.

This the 19th day of September, 1923.

(Seal)

J. M. Jolly,

Notary Public for Jefferson County, State of Alabama.

My commission expires July 19, 1927.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has passed the following House bills and returns same herewith to the House :

H. 682. To make it lawful for any person or persons, to use fish traps with fingers or slats not less than one and one-half inch apart for the purpose of taking or catching fish in that part of the Coosa river that lies within St. Clair county, Alabama, and to further regulate the operation of such traps.

H. 517. To repeal an Act entitled "An Act to alter, extend or rearrange the boundary lines of the corporate limits of the Town of Brighton, Alabama;" approved September 29, 1919.

H. 368. To amend Section 5 of an Act entitled "An Act to further prescribe the duties of county treasurers in counties of more than two hundred thousand population according to the last or any subsequent preceding Federal census; to provide for clerical assistance for such treasurers, for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorneys; and to require the deposit of county funds," approved October 31, 1921.

H. 721. To authorize the board of revenue of Jefferson county, Alabama, to construct and maintain sanitary trunk sewers into and through the town of Inglenook, Alabama.

H. 242. To authorize circuit court judges, where the judicial district is composed of one county and has but one judge, to appoint a regular court bailiff, and provide his term of office and salary.

H. 703. To fix the salaries and to provide for the payment thereof of the judges of all judicial circuits in the State of Alabama where the district is composed of only one county and has only one judge.

H. 846. To authorize the Board of Revenue of Montgomery County, Alabama, to appropriate the sum of five hundred and fifty and 56/100 (\$550.56) dollars for the relief of Mrs. Eugenia Prescott for funeral expenses of J. W. Prescott, who was killed while aiding officers of the law in attempting to make an arrest.

H. 794. To amend Sec. 12 of the Blount County Road Law, which is an Act entitled "An Act to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Blount County, Alabama; to define the duties and powers of the Court of County Commissioners with regard to same, and to fix penalties for the violation of the rules, regulations and laws of the Court of County Commissioners," and approved February 18, 1919.

H. 792. To prevent live stock from running at large in Blount County, Alabama.

H. 713. To abolish the office of jury commissioners and the jury commission as now constituted in and for Coffee County, Alabama; and to impose on the county commissioners of Coffee County, Alabama, the performance of all the duties and acts now required of the jury commissioners and the jury commission of said county, which duties are prescribed in the Act of the Legislature of Alabama, approved August 31, 1909; and to fix compensation of said county commissioners of said county for performance of such duties.

H. 763. To authorize the court of county commissioners of Pickens county, Alabama, to make appropriations to the county board of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational instruction.

H. 595. To provide that in Walker county, the assessment lists or sheets shall constitute the book of assessments as required by the General Revenue Law.

H. 804. For the relief of the county officers in Walker county, Alabama, and to provide for the filing and allowance of claims against the fine and forfeiture fund of said county for fees or other compensation for services rendered during the ten years immediately preceding January 1st, 1923."

H. 834. To provide for the alteration and fixing of the boundary line of the city of Roanoke, Alabama; to provide an election for ascertaining whether or not the qualified electors residing within the proposed corporate limits, favor such changes.

H. 658. To provide for the employment, discharge and compensation of road patrolmen in all counties of the State of Alabama having a population of not less than 92,500 nor more than 150,000 according to the last or any subsequent Federal census and to define their duties.

H. 585. To define the jurisdiction of justices of the peace and notaries public who are ex-officio justices of the peace in precinct No. 3 in Cullman county, and to provide for the services of process from their courts.

H. 693. Authorizing the court of county commissioners of Henry county, Alabama, to issue interest bearing warrants of said county against the general fund thereof, in refund of all or any portion of the outstanding warrants against said fund, the highway fund and the non-interest bearing warrants of the road and bridge fund of said county, and provide for payment of such refunding warrants.

H. 675. Empowering the clerk of the circuit court in the county of Monroe to issue capiases for the arrest of persons

charged with misdemeanors in the county court of said county and empowering said clerk to issue other process out of said county court, such as forfeiture sci fas, attachment of witnesses, etc., and to provide compensation for said services.

H. 795. To provide for the election of a County Treasurer for Blount County, Alabama, to fix the time of election, to name the maximum salary per year, to fix term of office.

J. E. Speight,
Secretary.

ADJOURNMENT.

Under a Joint Resolution heretofore adopted, on motion of Mr. Long, the House adjourned until Thursday morning, September 20th, at 10 o'clock.

FORTY-SEVENTH DAY.

House of Representatives,
Montgomery, Alabama,
Thursday, September 20th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Frank Willis Barnett, of Birmingham.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:

Mr. Speaker	Christian	Glover	Howze
Adams	Coleman	Goode	Hubbard
Adcock	Cook	Goodwyn	Jeter
Arrington	Culver	Graves	Jones
Ashcraft (Fayette)	Deloney	Grove	Kilborn
Ashcraft (Lauderd ¹)	Dickinson	Guy	Kilpatrick
Bealle	Dowdle	Hall	Lee
Blackwell	Dunwoody	Hampton	LeMaistre
Bowen, Lewis	Elliott	Hatter	Letson
Bowen, L. K.	Embry	Hawkins	Long
Boykin	Fanning	Henley	Love
Burns	Ferrell	Henson	Luck
Burton	Fite	Hodgson	McDaniel
Byars	Forman	Holcombe	McGowen
Calloway	Gaines	Hornsby	Melton
Cato	Glenn	Howard	Mooneyham

Moorer	Powell	Smith (Lee)	Varner
Moxley	Ringer	Snodgrass	Verner
Nichols	Rives	Sollie	Walker
Norman	Rountree	Stewart (Bibb)	Wall
Odum	St. John	Stewart (Calhoun)	Walton
Parker	Sanders (Conecuh)	Thompson (Etowah)	Ware
Patterson	Sanders (Pike)	Thompson (Jackson)	Mrs. Wilkins
Pickens	Sessions	Tiller	Williams
Poole	Smith (Clay)	Tunstall	Young
Posey	Smith (Jefferson)	Tyson	

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A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said committee has carefully examined the Journal of the House for the Forty-sixth Legislative Day, and finds same correct.

O. W. Melton,
Chairman.

The report of the committee was concurred in and adopted and the Journal for the Forty-sixth Legislative Day was approved.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 356. To amend the title and the Act entitled "An Act to create and establish a board of county commissioners in and for Madison county, Alabama, in the place and stead of the board of revenue of Madison county now existing in said county and abolishing said board of revenue of Madison county; to divide said county of Madison into five districts, defining the boundaries thereof; defining the jurisdiction of said board of county commissioners, fixing their compensation; conferring upon said board of county commissioners all the jurisdiction, powers and authority granted by law to county commissioners, boards of revenue or other governing bodies of like name or authority in this State; authorizing the appointment of said board of county commissioners of a clerk; and a supervisor of public roads; providing for the holding of monthly meetings of said board of commissioners and providing for the repeal of all laws in conflict with this Act; providing for the appointment, nomination and election of said board of commissioners;" approved February 3rd, 1923.

S. 416. To make appropriations to the Alabama College, the University of Alabama and the Alabama Polytechnic Institute.

S. 364. To amend section 7 of an Act entitled an Act to establish an inferior civil court in lieu of justices of the peace for all precincts lying within or partly within the city of Mobile, approved April 15th, 1911.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House:

S. 283. To fix the salaries and compensation of certain State officials, appointees, employees, capitol watchmen and servants and to make it unlawful for any parties whose salaries or compensation is fixed hereby to accept any increase in such salary or compensation for any additional duties placed upon such person.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate standing committee as follows:

Ways, Means and Appropriations, S. 283.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bills and House joint resolution, with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 584. To abolish the jury commission of Crenshaw county as created and constituted by law, or an Act approved August 31st, 1909, and to confer the authority and power and impose the

duties of such jury commission upon the members of the court of county commissioners of Crenshaw county.

Also:

H. 106. To provide for the election of a county superintendent of education for Franklin county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such county superintendent under this Act and to provide for the election of his successor in office.

Also:

H. 300. To detach election precinct number nine (9) in St. Clair county, known as Ragland election precinct from the northern judicial division of said county, and attach the same to make it a part of the southern judicial division of St. Clair county, and to confer jurisdiction with right to hear and try all matters and causes civil and criminal arising in said election precinct, in the circuit court, chancery court, probate court, county court or commissioners court of the southern judicial division of said county, with place of holding court at the court house of said county at Pell City, according to, in the manner and to the same extent as is done in matters and causes arising elsewhere in said southern judicial division than in said precinct.

Also:

H. 480. To enlarge and extend the jurisdiction of the circuit court of Tallapoosa county, Alabama, at Alexander City, in said county, and to provide for the holding of regular terms of said court.

Also:

H. 368. To amend section 5 of an Act entitled "An Act to further prescribe the duties of county treasurers in counties of more than two hundred thousand population according to the last or any subsequent preceding Federal census; to provide for clerical assistance for such treasurers, for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorneys; and to require the deposit of county funds," approved October 31, 1921.

Also:

H. 794. To amend Sec. 12 of the Blount County Road Law, which is an Act entitled "An Act to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Blount county, Alabama; to define the duties and powers of the court of county commissioners with regard to same, and to fix penalties for the violation of the rules, regulations and laws of the court of county commissioners," and approved February 18, 1919.

Also:

H. 713. To abolish the office of jury commissioners and the jury commission as now constituted in and for Coffee county, Alabama; and to impose on the county commissioners of Coffee county, Alabama, the performance of all the duties and acts now required of the jury commissioners and the jury commission of said county, which duties are prescribed in the Act of the Legislature of Alabama, approved August 31, 1909; and to fix compensation of said county commissioners of said county for performance of such duties.

Also:

H. 510. To amend "An Act to regulate inferior courts in cities having more than thirty-five thousand population according to the last Federal census, or any subsequent Federal census, to prescribe the jurisdiction of such courts and provide for the number and compensation of the judges for said courts, and to provide for the appointment and compensation of the clerks, assistant clerks, bailiffs and other officers thereof, and to abolish the office of the justice of the peace in said cities." Said Act having been approved September 25, 1915.

Also:

H. 693. Authorizing the court of county commissioners of Henry county, Alabama, to issue interest bearing warrants of said county against the general fund thereof, in refund of all or any portion of the outstanding warrants against said fund, the highway fund and the non-interest bearing warrants of the road and bridge fund of said county, and provide for payment of such refunding warrants.

Also:

H. 682. To make it lawful for any person, or persons, to use fish traps with fingers or slats not less than one and one-half inch apart for the purpose of taking or catching fish in that part of the Coosa river that lies within St. Clair county, Alabama, and to further regulate the operation of such traps.

Also:

H. 846. To authorize the board of revenue of Montgomery county, Alabama, to appropriate the sum of five hundred and fifty and 56/100 (\$550.56) dollars for the relief of Mrs. Eugenia Prescott for funeral expenses of J. W. Prescott, who was killed while aiding officers of the law in attempting to make an arrest.

Also:

H. 514. To create the office of first assistant clerk and ex-officio judge of the Jefferson county court of misdemeanors of Jefferson county, Alabama; to define his duties, compensation, and authority, to provide for his appointment and compensation, the equipment and location of his office, and for the repeal of all laws in conflict with the provisions of this Act.

Also:

H. 675. Empowering the clerk of the circuit court in the county of Monroe to issue capiases for the arrest of persons charged with misdemeanors in the county court of said county and empowering said clerk to issue other process out of said county court, such as forfeiture *sci fas*, attachment of witnesses, etc., and to provide compensation for said services.

Also:

H. 658. To provide for the employment, discharge and compensation of road patrolmen in all counties of the State of Alabama having a population of not less than 92,500 nor more than 150,000 according to the last or any subsequent Federal census and to define their duties.

Also:

H. 763. To authorize the court of county commissioners of Pickens county, Alabama, to make appropriations to the county board of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational instruction.

Also:

H. 645. To provide for the working of county convicts on the public roads of Morgan county, Alabama. To provide penalty to be insubordinate or to attempt to escape and to provide how convicts shall be released and to authorize the road superintendent of Morgan county to lease convicts of other counties.

Also:

H. 834. To provide for the alteration and fixing of the boundary line of the city of Roanoke, Alabama; to provide an election for ascertaining whether or not the qualified electors residing within the proposed corporate limits, favor such changes.

Also:

H. 793. To provide for the election of a county superintendent of education for Blount county, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the term and compensation of such officer.

Also:

H. 517. To repeal an Act entitled "An Act to alter, extend or rearrange the boundary lines of the corporate limits of the town of Brighton, Alabama;" approved September 29, 1919.

Also:

H. 795. To provide for the election of a county treasurer for Blount county, Alabama, to fix the time of election, to name the maximum salary per year, to fix term of office.

Also:

H. 595. To provide that in Walker county, the assessment lists or sheets shall constitute the book of assessments as required by the General Revenue Law.

Also:

H. 721. To authorize the board of revenue of Jefferson county, Alabama, to construct and maintain sanitary trunk sewers into and through the town of Inglenook, Alabama.

Also:

H. 585. To define the jurisdiction of justices of the peace and notaries public who are ex-officio justices of the peace in precinct No. 3 in Cullman county, and to provide for the services of process from their courts.

Also:

H. 804. For the relief of the county officers in Walker county, Alabama, and to provide for the filing and allowance of claims against the fine and forfeiture fund of said county for fees or other compensation for services rendered during the ten years immediately preceding January 1st, 1923."

Also:

H. 242. To authorize circuit court judges, where the judicial district is composed of one county and has but one judge, to appoint a regular court bailiff, and provide his term of office and salary.

Also:

H. 630. To close and abandon certain described portions of streets, avenues and alleys in the city of Sheffield and county of Colbert.

Also:

H. J. R. 229. Relative to the unselfish and patriotic work of Senator John Craft for good roads.

Also:

H. 792. To prevent live stock from running at large in Blount county, Alabama.

Also:

H. 703. To fix the salaries and to provide for the payment thereof of the judges of all judicial circuits in the State of Alabama where the district is composed of only one county and has only one judge.

Also:

H. 381. To provide for the election and appointment of a county superintendent of education for Marion county, Alabama, fix his or her term of office, fix the qualifications, the compensation and the successor in said office.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk,

the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and House joint resolution, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

RESOLUTIONS.

The following resolution was introduced:

By Mr. Fanning:

H. R. 232. Resolved, That H. 1044 be made a special order for the 48th legislative day.

And the resolution was referred to the Committee on Rules.

REPORT OF RULES COMMITTEE.

Mr. Tunstall, acting chairman of the Standing Committee on Rules, returned to the House the following resolutions with a favorable report:

S. J. R. 157, by Mr. Randall, relative to the navigable streams of the State.

By Rules Committee:

H. R. 233. Resolved, That for today the House consider only House bills and that after adjournment of the House today no other House bills be considered, and that the Clerk of the House is directed to have stricken from the calendar of the House all House bills appearing thereon.

By Rules Committee:

H. R. 234. Resolved by the House, That the following House bills be made special, paramount and continuing orders, in the order named for the 47th legislative day, and to take precedence over all other matters:

H. 888. By Mr. Verner.

H. 369. By Mr. L. K. Bowen.

H. 796. By Mr. Smith of Lee.

H. 679. By Mr. Luck.

H. 1019. By Mr. Merrill.

H. 930. By Mr. Holcombe.

H. 373. By Mr. Glenn.

H. 1036. By Mr. Howze.

H. 95. By Mr. Embry.

H. 889. By Mr. St. John.

H. 958. By Mr. L. K. Bowen.

H. 489. By Mr. Hornsby.

H. 748. By Mrs. Wilkins.

H. 613. By Mrs. Wilkins.

H. 906. By Mr. Goodwyn.

H. 313. By Mrs. Wilkins.

H. 314. By Mrs. Wilkins.

- H. 815. By Mr. Smith of Clay.
- H. 912. By Mr. Howard.
- H. 314. By Mrs. Wilkins.
- H. 751. By Mrs. Wilkins:
- H. 752. By Mrs. Wilkins.
- H. 881. By Mr. Embry.
- H. 527. By Mr. Goodwyn.
- H. 827. By Mr. Howze.
- H. 939. By Mr. Howze.
- H. 641. By Mr. Kilborn.
- H. 181. By Mr. Nichols.
- ~~H. 680. By Mr. Elliott.~~
- H. 741. By Mr. Rountree.
- H. 734. By Mr. Fite.
- H. 143. By Mr. Powell.
- H. 708. By Mr. Jones.
- H. 870. By Mr. Gaines.
- H. 789. By Mr. Howze.
- H. 683. By Mr. Embry.
- H. 477. By Mr. Embry.
- H. 923. By Mr. Fite.
- H. 506. By Mr. Rountree.
- H. 569. By Mrs. Wilkins.
- H. 844. By Mr. Verner.
- H. 455. By Mr. Williams.
- H. 617. By Mr. Odom.
- H. 600. By Mr. Nicholls.
- H. 640. By Mr. Smith of Lee.
- H. 608. By Mr. Calloway.
- H. 785. By Mr. Glover.
- H. 855. By Mr. Goodwyn.
- H. 288. By Mr. Smith of Clay.
- H. 498. By Mr. Glenn.
- H. 677. By Mr. Grove.
- H. 594. By Mr. Forman.
- H. 560. By Mr. Ashcraft of Lauderdale.
- H. 918. By Mrs. Wilkins.
- H. 1054. By Mr. Stewart of Calhoun.
- H. 1044. By Mr. Fanning.

Rules Committee:

H. R. 235. Resolved, That the following Senate bills, in the order named, be made special, paramount and continuing orders and to take precedence over all other special orders for the 48th legislative day:

- S. 266. By Mr. Hutson.
- S. 260. By Mr. Hutson.

- S. 261. By Mr. Hutson.
- S. 263. By Mr. Hutson.
- S. 244. By Mr. Duncan.
- S. 389. By Mr. Brooks.
- S. 292. By Mr. Powell.
- S. 330. By Mr. Tunstall.
- S. 129. By Mr. Powell.
- S. 513. By Mr. Overton.
- S. 407. By Mr. Inzer.
- S. 231. By Mr. Overton.
- S. 190. By Mr. Inzer.
- S. 417. By Mr. Foster.
- S. 442. By Mr. Tunstall.
- S. 375. By Mr. Powell.
- S. 295. By Mr. Hutson.
- S. 191. By Mr. Inzer.
- S. 428. By Mr. Randall.
- S. 186. By Mr. Hutson.
- S. 304. By Mr. Ellis.
- S. 305. By Mr. Ellis.
- S. 306. By Mr. Ellis.
- S. 71. By Mr. Slone.
- S. 328. By Mr. Inzer.
- S. 187. By Mr. Griffith.
- S. 338. By Mr. Hildreth.
- S. 134. By Mr. Martin.
- S. 36. By Mr. Hutson.

By Rules Committee:

H. R. 236. Resolved, That beginning with today no member of the House shall speak more than once on the same question, without leave of the House, unless he be the mover or chairman of the committee proposing the matter, in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken, and that no member shall speak for more than five minutes at any one time.

And the report of the committee was concurred in and the resolutions were adopted.

RESOLUTION.

The following resolution was introduced:

By Mr. St. John:

H. R. 237. Be it resolved by the House of Representatives, That on the next call of counties for passage of local bills, any Representative may call any Senate local bill of the Senator of the district of such Representative for passage.

The rules were suspended and the resolution was adopted.

BILLS ON SECOND READING.

Mr. Walker, chairman of the Standing Committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 504. To provide that in the event the Constitution of Alabama should be amended to authorize Mobile county to increase its indebtedness, bond issue and tax rate for the purposes of constructing or improving of concrete or better than concrete surfaced public roads, and concrete or better than concrete public bridges in said county, and for the construction of bridges and roadway necessary to provide a public road for vehicular travel between the highlands of Mobile and Baldwin counties, in an amount not to exceed six and one-half per centum of the assessed value of the property situated in Mobile county, such indebtedness to be in addition to the amount now authorized by the Constitution, then Mobile county may issue bonds for the construction or improvement of concrete or better than concrete surfaced public roads, and concrete or better than concrete public bridges in said county, in an amount not to exceed six and one-half per centum of the assessed value of the property situated in Mobile county, such indebtedness to be in addition to the amount now authorized by the Constitution.

S. 513. To authorize and create an additional judge of the Fifth Judicial Circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other circuit judges of the State, and to provide for the salary of said judge.

H. 1056. To regulate the use of cemeteries or burying grounds in the State of Alabama, and to prescribe a penalty for violation of same.

Mr. Ashcraft of Lauderdale, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 369. To appropriate \$381.62 to be paid to Frank Stollenwerck to refund to him taxes paid by him, by Emma Stollenwerck, deceased, and Frank Stollenwerck, deceased, to the State of Alabama on erroneous assessments made against property in Montgomery, Alabama, belonging to the respective parties at the times of said assessments and to authorize the State Treasurer to pay the same to said Frank Stollenwerck.

S. 323. To provide for the establishment of demonstration farms at or near each of the several State secondary agricultural schools of Alabama, to provide for physical plants and equipment

for such farms, to make appropriations for the maintenance thereof, and to provide for their management and control.

Mr. Luck, chairman of the Standing Committee on Local Legislation, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 1055. To repeal an Act entitled "An Act to provide for the creation of the office of county auditor of Walker county, Alabama, to define the powers and duties thereof, to provide for his compensation, to fix his term of office and prescribe the manner of his appointment and election," approved February 28, 1907.

H. 1061. Relating to desertion or non support of wives by husbands and of a child, or children, by parents in all counties of this State which now have a population of two hundred thousand people, or more, according to the last Federal census, or which shall have such population, or more, according to any such census taken hereafter, and which counties now have, or which may hereafter have, a court of domestic relations; to make it a misdemeanor for a husband to desert, neglect, or fail to provide for the support of his wife, or for a parent to desert, neglect, or fail to provide for the support of his or her child, or children, under eighteen years of age in such counties; to prescribe the penalty therefor; to define who are meant by parent or parents; to designate the courts which shall have original and exclusive jurisdiction to try such misdemeanors in such counties; to prescribe the procedure and authority of such courts and judges in such cases; to define the obligation of such counties in such cases; to provide for the apprehension and punishment of persons charged with or convicted of such offense; to provide for the taking of probation bonds, and directing to whom fines and proceeds of such probation bonds, when forfeited and collected, shall be paid in such cases; to provide for recording probation bonds, and the effect thereof; to provide for the appointment or designation of probation officers and prescribing their duties and authority in such cases; to provide that the sheriffs and other peace officers of such counties shall act as probation officers in certain contingencies; to determine the venue in such cases; and to prescribe the rules of evidence therein; and to fix the time when this Act shall go into effect.

H. 1060. To cause the county board of education of Lamar county to have published in some county paper, a complete annual statement of the financial transactions of the board.

H. 1062. Relating to dependent, neglected or delinquent children in all counties of Alabama which have a population of as many as two hundred thousand people according to the last Federal census, or which shall have such population according to any

such census that may be taken hereafter, and which counties now have, or which counties shall hereafter have a court of domestic relations; to define who are dependent, neglected or delinquent children; to declare that such children shall be wards of the domestic relations courts of such counties; to provide for their protection, guardianship, custody, care, supervision, discipline, and generally for their welfare; to confer upon such domestic relations courts in such counties original and exclusive jurisdiction and authority to adjudicate and enforce all questions and matters arising under or provided for by the terms of this Act, and to confer upon such courts full power and authority to try and determine all such questions, or which may be otherwise referred to them by law, for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this Act; to confer upon such courts authority to make such rules and regulations, and to devise and have printed, such records and forms, where not otherwise provided for under the terms of this Act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the detention home or parental school, or for the conduct of probation officers or their work as provided for in this Act; to create and provide for an advisory board to such courts, and to define its duties; to make it a misdemeanor by act, or omission, or otherwise to aid, abet, cause, connive at or contribute to the dependency, neglect, or delinquency of such children, in such counties, or to conceal or otherwise interfere with the custody of such children, or to interfere with or obstruct probation officers in the discharge of their duties, and in certain contingencies for injunctions in such cases, and to provide for the trial and punishment of such offenders; to provide for investigations by probation officers, and the effect of their reports as evidence; to provide for the taking and enforcement of recognizances when same are made by a minor with adults as sureties; to provide that all proceedings under the terms of this Act in dealing with the children described herein shall be in equity, and civil in their nature, and to regulate same; to provide for the trial of any delinquent child as defined by this Act, in a criminal court of competent jurisdiction when the court after investigation or trial is convinced that such child cannot be made to lead a correct life under the discipline provided for such delinquent under the terms of this Act; to provide that under certain contingencies male children between sixteen and eighteen years of age shall be dealt with as delinquents; to provide for the establishment and maintenance of a detention home or parental school, and for the appointment and compensation of probation officers, and for other expenses incident to the purposes of this Act; to provide for the

appointment of a referee, or referees, and to define their powers and duties; to declare when this Act shall take effect, that should any part of this Act be found to be unconstitutional that it shall not affect the remainder thereof, and to provide for the repeal of all laws inconsistent, or in conflict with this Act.

H. 1063. To authorize courts which have jurisdiction to try persons charged with a misdemeanor in counties of this State which have a population of as many as two hundred thousand people according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter, and which counties now have, or which counties shall hereafter have a court of domestic relations, and before which are brought for trial, females over eighteen years of age charged with the commission of a misdemeanor, to transfer such causes to the domestic relations courts of such counties for trial, when such courts, or the judge, or judges thereof shall deem it in the interest of justice, and the public welfare so to do; and to prescribe and regulate the procedure in such causes.

H. 1058. To provide that no person who has successfully passed an examination for a Mobile bay and bar pilot, or either, shall be required to undergo or pass another examination before being entitled to his license or status as a Mobile bay and bar pilot, notwithstanding the board or commission under which said person was examined has been abolished.

S. 486. To provide for the manner of appointing or electing a marshal or chief of police of the city of Athens, Alabama, and to provide for the fixing of his salary and term of office.

S. 501. To authorize the governing authorities of a municipality whose boundaries have been altered, extended or arranged so as to include the territory lying within the corporate limits of another municipality in another county to change the name of the municipality within a certain time after the extension of said corporate limits.

S. 509. To authorize the board of revenue of Montgomery county, Alabama, to pay to Frank Stollenwerck the sum of \$470.99 to refund to him taxes paid by him, by Emma Stollenwerck, deceased, and by Frank Stollenwerck, deceased, to the county of Montgomery, on erroneous assessments made against property in Montgomery, Alabama, belonging to the respective parties at the times of said assessments.

S. 518. To require the judge of probate of Russell county, in addition to the office in the court house at Seale to keep open a branch office in the city of Girard, and to declare the effect of the business transactions in such branch office. And to fix his pay for making the indexes mentioned in section 3 and the abstract mentioned in section 4 of this Act.

S. 521. To establish an additional circuit court in the county of Russell at Girard.

S. 532. To authorize and require the court of county commissioners of Morgan county, Alabama, to pay or cause to be paid by proper order of said court, out of the general fund of Morgan county, Alabama, the reasonable market value of any products, articles, goods, wares, merchandise or things of value, ordered or purchased by the sheriff or any other officer whether purchased by order of or authority of said court or under the court's direction, or whether purchased by the sheriff or other said officers, when said products, wares or merchandise were used for county purposes or in or upon county buildings, during the time from January 1, 1919 to December 31, 1923, and provide means whereby the creditor of the county may establish his indebtedness and the necessary facts to prove the use of the goods by the county.

S. 466. To relieve the tax assessor of Marshall county, Alabama, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order the original assessment lists and have same permanently bound and kept as a permanent record and prepare tax collector's abstracts from said assessment lists. And relieve the county of paying for the making of such book.

S. 519. To require the board of jury commissioners of Russell county to prepare two boxes of names of jurors in accordance with section 7240 of the Code of Alabama, and all subsequent amendments thereto, one to be used in drawing the juries for the circuit court of Russell county at Seale, and the other to be used in drawing the juries for the circuit court of said county at Girard.

S. 520. To fix the time and places of holding the county court of Russell county.

S. 522. To fix the time and places of holding the regular terms of the board of revenue of Russell county.

S. 531. To regulate the business of money brokers and persons who lend money for themselves or others on bill of sale, notes or mortgages on personal property or other personal security, in Jefferson, Morgan, Walker and Etowah counties.

S. 534. To change the several districts of the commissioners court of Crenshaw county.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

S. 490 (with amendment). To amend an Act entitled an Act to provide for the payment of claims against the fine and for-

feiture fund of Tuscaloosa county, approved February 23, 1899, so that the same will read as follows.

Mr. Verner, chairman of the Standing Committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 993. To amend section 18 of an Act of the Legislature of Alabama approved October 1, 1920, entitled "An Act in relation to the Alabama Public Service Commission; to enlarge the powers, authority and jurisdiction of the Alabama Public Service Commission; to supervise, regulate, and control the rates, fares and charges, facilities, practices, rules and service, the finances and securities of transportation companies; to provide measures for the enforcement of the commission's orders, and penalties and forfeitures for failure to comply with the orders of the commission and with the provisions of this Act; to regulate transportation companies and to provide for the payment by such companies of a supervision or inspection fee; to provide necessary facilities for the commission, and for the employment of the secretary of the commission.

H. 1037. To provide for the salary or compensation of the person or officer holding the position or office of clerk of the probate court, clerk of the probate judge, deputy probate judge, deputy of the probate judge, or chief clerk of the probate judge, by whichever name or term the officer, position or office next in rank to the probate judge himself is called or designated, in each probate office, in each county in the State of Alabama, now having or which may hereafter have a population of as much as 200,000, according to the last Federal census, or any such census which may hereafter be taken, by fixing the amount thereof and prescribing the source, manner and time of payment thereof.

S. 255. To prohibit the knowingly use of or knowingly suffering the use of an automobile, hired or obtained from another for a lawful purpose or business, to be used for the purpose of the removal or transportation of prohibited liquors in violation of the laws of Alabama. And to provide the punishment for the violation thereof.

S. 308. To provide for the payment of court costs in cases in which the condemnation and forfeiture of conveyance and vehicles of transportation on account of being used in the transportation of prohibited liquors or beverages of any kind is sought, and in which a decree shall be rendered against the State, and to make the provisions hereof retroactive.

S. 473. To amend section 6572 of the Code of Alabama.

Mr. Verner, chairman of the Standing Committee on Judiciary, reported that said committee in session had acted on the fol-

lowing bill and ordered same returned to the House with a favorable report with amendment:

H. 886 (with amendment). To submit to the qualified voters of the State, at the general election to be held on the first Tuesday after the first Monday of November, 1924, for their consideration, an amendment to the Constitution of the State, so as to authorize and empower the Legislature from time to time by general or local laws to fix, regulate and alter the costs, charges of courts, fees, commissions, allowances or salaries to be charged or received by any county officer of Walker county, including the ~~method or basis of their compensation.~~

Mr. Grove, chairman of the Standing Committee on Game, Fish and Forestry Preservation, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 1057. To provide for reward for the killing of hawks and owls, except sparrow hawks and screech or barn owls, to fix such rewards and provide the method of payment of same.

S. 326. To provide for the construction and operation of fish cultural stations in the State of Alabama; to provide for the acquisition of suitable areas in the name of the State; to provide for the administration and management of fish cultural stations; to provide for payment of employees; to provide for a fishing license, and for other purposes.

The above and foregoing bills were severally read a second time and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. Ashcraft of Lauderdale, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

S. 353. For the relief of the Dothan Insurance Agency, a corporation, for tax erroneously paid the State of Alabama, and the county of Houston for the year 1922, and to authorize and require the State and county to refund the same.

Mr. Verner, chairman of the Standing Committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

S. 400. To fix the compensation or salaries to be paid the judges of probate, sheriffs, tax collectors, tax assessors, and members of courts of county commissioners or boards of revenue and other courts of like jurisdiction in all counties in this State

which now have or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same; to provide for the selection of clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such offices; and to require all of said officers to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said officers, as other moneys belonging to said counties are paid.

S. 445. To require bonds of contractors entering into contract with the State or any department, commission or board thereof, or with any county, city, town, or county or city board of education, or other public administrative body, to construct, erect, improve, alter or repair any public building, public road, or other public work or structure, and to provide for liability on such bonds to persons performing labor for or furnishing materials to the contractor or sub-contractor.

H. 863. To regulate the appropriation of money by commissioners' courts and boards of revenue of the several counties of Alabama.

H. 1001. To amend section 5329, Code of 1907.

Mr. Smith of Lee moved to suspend the rules and put on passage:

H. 861 (with substitute). To prescribe rules of evidence to apply in any investigation by the Alabama Public Service Commission of the rates, fares, charges, rules, regulations and practices of any public utility or transportation company subject to the jurisdiction of said commission.

The motion to suspend the rules was lost.

Yeas, 61; Nays, 30.

Yeas:

Messrs:

Adcock	Culver	Hampton	Poole
Allen	Deloney	Hawkins	Posey
Ashcraft (Fayette)	Dickinson	Henson	Powell
Ashcraft (Lauderdl.)	Dowdle	Hodgson	Ringer
Blackwell	Dunwoody	Jeter	Rives
Bowen, Lewis	Elliott	Kilborn	Sanders (Conecuh)
Boykin	Ferrell	Lee	Sanders (Pike)
Burns	Gaines	Letson	Sessions
Burton	Glenn	Love	Smith (Clay)
Byars	Glover	Mooneyham	Smith (Jefferson)
Christian	Goode	Moxley	Smith (Lee)
Coleman	Grove	Nichols	Sollie
Cook	Hall	Parker	Stewart (Bibb)

Stewart (Calhoun) Tyson
Thompson (Jackson) Walton
Tiller

Ware
Mrs. Wilkins

Williams
Young

—61

Nays:

Messrs:

Mr. Speaker Goodwyn
Arrington Graves
Bealle Guy
Calloway Hatter
Cato Henley
Embry Hornsby
Fanning Howze
Fite Jones

LeMaistre
Long
McDaniel
McGowen
Melton
Moorer
Norman

Patterson
St. John
Snodgrass
Tunstall
Verner
Walker
Wall

—30

NOTICE GIVEN.

Mr. Williams gave notice that on tomorrow he would move to take S. 238 from the adverse calendar.

RESOLUTION.

Mr. Verner offered the following House joint resolution:

By Mr. Verner:

H. J. R. 238. Be it resolved by the House, the Senate concurring, That the Legislature of Alabama deplores the continued agitation of the convict question in this State by certain newspapers, public agitators and ill-advised and misled citizens of the State. Twice during the present session of the Legislature this question has been thoroughly, conscientiously and carefully considered. After such consideration it was disposed of in a manner in keeping with the best judgment of the Legislature and this Legislature now expresses the confident belief that the law governing convicts in Alabama is being carried out in strict accordance with the statutes, and that all convicts are receiving as good, careful and considerate treatment as they should receive and as the State is able to accord them.

This Legislature believes that convicts should be treated in a humane manner and that prisons are created for the purpose of punishments provided by the laws of this State. This Legislature desires to go on record as condemning in as strong and dignified language as it can command the concerted effort of certain newspapers in this State to bring the name of our commonwealth in disrepute for motives which we can but designate as sinister.

Be it further resolved: That the Legislature of Alabama does hereby commend the Governor and the State Board of Convict Supervisors, for the action taken in reference to quelling the insurrection and mutiny at Banner mines by certain desperate convicts imprisoned therein, and pledges to the Governor of Ala-

bama and to the Convict Department the support of the entire State, moral and financial, in the upholding of the dignity of the Governor's office and respect for the laws.

And the resolution was adopted.

Yeas, 84; Nays, 3.

Yeas:

Messrs:

Mr. Speaker	Embry	Howard	Posey
Adams	Fanning	Howze	Ringer
Adcock	Ferrell	Jones	St. John
Ashcraft (Fayette)	Fite	Kilborn	Sanders (Conecuh)
Ashcraft (Lauderda ^l)	Forman	Kilpatrick	Sanders (Pike)
Bealle	Gaines	Lee	Smith (Clay)
Blackwell	Glenn	LeMaistre	Smith (Lee)
Bowen, L. K.	Glover	Long	Snodgrass
Boykin	Goode	Love	Sollie
Burns	Goodwyn	Luck	Stewart (Bibb)
Burton	Graves	McDaniel	Stewart (Calhoun)
Byars	Grove	McGowen	Tiller
Christian	Guy	Melton	Tunstall
Coleman	Hall	Moorer	Verner
Cook	Hampton	Moxley	Walker
Culver	Hatter	Nichols	Wall
Deloney	Hawkins	Norman	Walton
Dickinson	Henley	Odom	Ware
Dowdle	Henson	Parker	Mrs. Wilkins
Dunwoody	Hodgson	Patterson	Williams
Elliott	Hornsby	Poole	Young

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Nays:

Messrs:

Bowen, Lewis	Jeter	Rives
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—3

BILL INDEFINITELY POSTPONED.

On motion of Mr. Ashcraft of Lauderdale:

H. 565. To make appropriations for the maintenance of the summer quarters of the State normal schools for white teachers located at Florence, Jacksonville, Livingston and Troy, and of the State normal school for negroes, located at Montgomery.

Was indefinitely postponed.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills and House joint resolutions hereinafter mentioned were delivered to the Executive Department on the dates and hours named; and that I hold the receipts of the Executive Department for same.

Delivered to Governor Sept. 20, 1923, 11:45 A. M.:

H. 584.

Also:

H. 106.

Also:

H. 300.

Also:

H. 480.

Also:

H. 368.

Also:

H. 794.

Also:

H. 713.

Also:

H. 510.

Also:

H. 693.

Also:

H. 682.

Also:

H. 846.

Also:

H. 514.

Also:

H. 675.

Also:

H. 658.

Also:

H. 763.

Also:

H. 645.

Also:

H. 834.

Also:

H. 793.

Also:

H. 517.

Also:

H. 795.

Also:

H. 595.

Also:

H. 721.

Also:

H. 585.

Also:

H. 804.

Also:

H. 242.

Also:
H. 630.
Also:
H. J. R. 229.
Also:
H. 792.
Also:
H. 703.
Also:
H. 381.

J. H. Stewart,
Clerk.

BILLS ON THIRD READING.

H. 369 (with amendment). To establish and maintain free employment offices and service for persons seeking employment and for employers seeking workers; to create the office of Director State Free Employment Service and provide for his appointment; to define his duties and authority; to fix his compensation; to authorize him to maintain offices and employ assistants; to provide for the expenses of the department; to appropriate money for the maintenance and expenses of the department and carrying on the duties thereof.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Labor and Immigration, said committee amendment being as follows:

"Amend said bill by striking the words "ten thousand dollars" where they appear in said bill and insert in lieu thereof the words "eighteen hundred dollars."

And the amendment was adopted.

Yeas, 62; Nays, 5.

Yeas:

Messrs:

Adams	Dowdle	Jeter	St. John
Adcock	Embry	Jones	Sanders (Conecuh)
Arrington	Fanning	Kilpatrick	Sanders (Pike)
Ashcraft (Fayette)	Fite	Lee	Sessions
Ashcraft (Lauderdl.)	Forman	Letson	Smith (Lee)
Bealle	Glover	Love	Snodgrass
Bowen, Lewis	Goode	Luck	Stewart (Calhoun)
Bowen, L. K.	Goodwyn	McGowen	Tyson
Boykin	Grove	Moorer	Walker
Burns	Guy	Nichols	Wall
Burton	Hawkins	Odom	Walton
Byars	Henley	Parker	Ware
Christian	Hodgson	Patterson	Mrs. Wilkins
Culver	Hornsby	Ringer	Williams
Deloney	Howard	Rives	Young
Dickinson	Howze		

Nays:

Messrs:

Cook

LeMaistre

Moxley

Stewart (Bibb)

Henson

—5

Mr. Moxley moved to indefinitely postpone the bill and amendment and the motion was lost.

And the bill:

H. 369. To establish and maintain free employment offices and service for persons seeking employment and for employers seeking workers; to create the office of Director State Free Employment Service and provide for his appointment; to define his duties and authority; to fix his compensation; to authorize him to maintain offices and employ assistants; to provide for the expenses of the department; to appropriate money for the maintenance and expenses of the department and carrying on the duties thereof.

As amended, was read a third time at length and passed.

Yeas, 59; Nays, 15.

Yeas:

Messrs:

Mr. Speaker

Fanning

Letson

Smith (Lee)

Adams

Fite

McDaniel

Snodgrass

Ashcraft (Fayette)

Glenn

McGowen

Stewart (Calhoun)

Ashcraft (Lauderdl.)

Goodwyn

Mooneyham

Tiller

Bealle

Graves

Moorer

Tunstall

Bowen, Lewis

Grove

Nichols

Tyson

Bowen, L. K.

Hampton

Odom

Verner

Byars

Hawkins

Patterson

Walker

Cato

Hodgson

Posey

Wall

Christian

Holcombe

Powell

Walton

Culver

Howard

Ringer

Mrs. Wilkins

Deloney

Howze

Rives

Williams

Dickinson

Jeter

St. John

Wyatt

Dowdle

Kilpatrick

Smith (Jefferson)

Young

Embry

Lee

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Nays:

Messrs:

Blackwell

Cook

Parker

Sessions

Boykin

Henson

Poole

Stewart (Bibb)

Burton

Long

Sanders (Conecuh) Thompson (Jackson)

Coleman

Moxley

Sanders (Pike)

—15

And the bill was ordered sent to the Senate without engrossment.

H. 796. To enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to provide that said commission shall have the same powers and jurisdiction over public utilities engaged in interstate commerce not regulated under Acts of the Congress of the United States as said com-

mission has over public utilities engaged in intrastate commerce within the State.

Was taken up. Mr. Walker offered the following amendment to the bill:

Amend section 1 of House bill 796, so that same shall read as follows:

Section 1. All the authority, powers, and jurisdiction which have been given by law to the Alabama Public Service Commission over public utilities engaged in intrastate commerce in this State, are hereby given to said commission over public utilities whose principal place of business is located outside the State of Alabama, but who are engaged in this State in interstate commerce not regulated under the Acts of the Congress of the United States to the extent that the exercise by said commission of such authority, powers and jurisdiction over such public utilities engaged in interstate commerce is permissible.

And the amendment was adopted.

Yeas, 76; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Kilborn	Smith (Clay)
Adams	Forman	Kilpatrick	Smith (Jefferson)
Adcock	Gaines	Lee	Smith (Lee)
Ashcraft (Fayette)	Glenn	Long	Snodgrass
Ashcraft (Lauderd')	Glover	Luck	Sollie
Bealle	Goode	McDaniel	Stewart (Biob)
Bowen, Lewis	Goodwyn	McGowen	Stewart (Calhoun)
Bowen, L. K.	Graves	Melton	Thompson (Jackson)
Boykin	Grove	Mooneyham	Tunstall
Burton	Guy	Moxley	Tyson
Byars	Hampton	Nichols	Varnier
Christian	Hatter	Odom	Verner
Coleman	Henson	Patterson	Walker
Culver	Hodgson	Posey	Wall
Deloney	Hornsby	Powell	Walton
Dickinson	Howard	Ringer	Ware
Dowdle	Howze	Rives	Mrs. Wilkins
Dunwoody	Jeter	Sanders (Pike)	Williams
Fanning	Jones	Sessions	Young

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And the bill:

H. 796. To enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to provide that said commission shall have the same powers and jurisdiction over public utilities engaged in interstate commerce not regulated under Acts of the Congress of the United States as said commission has over public utilities engaged in intrastate commerce within the State.

As amended, was read a third time at length and passed.

Yeas, 74; Nays, 0.

Yeas :

Messrs:

Mr. Speaker	Embry	Lee	Smith (Clay)
Adams	Fanning	Letson	Smith (Jefferson)
Adcock	Forman	Long	Smith (Lee)
Ashcraft (Fayette)	Gaines	Luck	Snodgrass
Ashcraft (Lauderdl.)	Glenn	McDaniel	Sollie
Bealle	Goode	McGowen	Stewart (Calhoun)
Bowen, Lewis	Goodwyn	Mooneyham	Thompson (Jackson)
Bowen, L. K.	Grove	Moorer	Tiller
Boykin	Guy	Nichols	Tunstall
Burton	Hampton	Odom	Tyson
Bvays	Henley	Patterson	Verner
Christian	Henson	Posey	Verner
Coleman	Hodgson	Ringer	Walker
Cook	Hornsby	Rives	Wall
Culver	Howze	St. John	Walton
Deloney	Jeter	Sanders (Conecuh)	Ware
Dickinson	Jones	Sanders (Pike)	Mrs. Wilkins
Dowdle	Kilborn	Sessions	Young
Elliott	Kilpatrick		

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And the bill was ordered sent forthwith to the Senate without engrossment.

H. 679 (with substitute). To amend section three of an Act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensation, approved September 25th, 1915.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

Substitute, H. 679:

A BILL

To be entitled an Act to amend section three of an Act entitled "An Act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority and fix their compensation," approved September 25, 1915.

Be it enacted by the Legislature of Alabama:

Section 1. That section 3 of an Act entitled "An Act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority and fix their compensation," approved September 25, 1915, be amended so as to read as follows:

Section 3. Every solicitor elected under the provisions of this Act shall perform all such duties and exercise all such pow-

ers as may be now prescribed by law and receive an annual salary of two thousand four hundred dollars (\$2,400.00) payable monthly out of the State treasury, and in addition to the duties now imposed by law upon circuit solicitors, it shall be the duty of said circuit solicitors upon the written request of any county official in his circuit to furnish such officer with a written opinion covering the law pertaining to the matter inquired about. It shall further be the duty of said solicitors to advise orally all county officers in his circuit concerning any matter pertaining to the conduct of his or her office upon being requested to do so by such officer; it shall further be the duty of said circuit solicitors to visit the place of the commission of every felony committed in his circuit and make a personal investigation of the same, as well as attend and conduct the preliminary trial of such person as may be charged with the commission of such felony, whenever it may be practical for him to do so and where the interest of the State demands, and for such additional duty herein imposed, such solicitors shall receive the additional sum of six hundred dollars (\$600.00) per annum, payable monthly out of the State treasury; provided that in circuits that are composed of not more than one county and in which there are more than three judges, the salary of the circuit solicitor shall be forty-five hundred dollars (\$4,500.00) per annum, twenty-four hundred dollars (\$2,400.00) of which shall be paid out of the State treasury as other circuit solicitors are paid, and the remainder shall be paid out of the county treasury of said county in equal monthly installments on the warrant of such solicitor.

This bill to go into effect immediately upon its passage and approval.

Mr. Moxley offered the following amendment to the substitute:

"Provided, that it shall not apply to circuits composed of only three counties whose total population does not exceed 90,000."

On motion of Mr. St. John the amendment offered by Mr. Moxley was laid upon the table.

And the substitute was adopted.

Yeas, 52; Nays, 26.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Arrington

Ashcraft (Fayette)

Ashcraft (Lauderdl)

Bealle

Blackwell

Bowen, Lewis

Bowen, L. K.

Boykin

Calloway

Cato

Elliott

Embry

Fanning

Ferrell

Fite

Glenn

Goode

Goodwyn

Grove

Hatter

Henson

Holcombe

Hornsby

Jones

Kilborn

Kilpatrick

LeMaistre

Letson

Luck

McDaniel

Melton

Mooneyham

Nichols

Odom	Rives	Stewart (Calhoun)	Wall
Patterson	St. John	Tunstall	Walton
Powell	Smith (Jefferson)	Verner	Williams
Ringer	Smith (Lee)	Walker	Young

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*Nays:**Messrs:*

Burton	Forman	Moorer	Smith (Clay)
Byars	Glover	Parker	Snodgrass
Cook	Guy	Posey	Sollie
Deloney	Hall	Sanders (Conecuh)	Stewart (Bibb)
Dickinson	Hampton	Sanders (Pike)	Thompson (Jackson)
Dowdle	Hodgson	Sessions	Tyson
Dunwoody	Lee		

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PAIR ANNOUNCED.

Mr. Moxley announced that he was paired with Mr. Jeter. If Mr. Jeter were here he would vote yea and Mr. Moxley would vote nay.

And the bill:

H. 679. To amend section three of an Act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensation, approved September 25th, 1915.

As amended by the substitute, was read a third time at length and passed.

Yeas, 47; Nays, 31.

*Yeas:**Messrs:*

Mr. Speaker	Embry	Kilborn	St. John
Arrington	Fanning	LeMaistre	Smith (Jefferson)
Ashcraft (Fayette)	Ferrell	Luck	Smith (Lee)
Ashcraft (Lauderd ¹)	Glenn	McDaniel	Stewart (Calhoun)
Bealle	Goode	Melton	Tunstall
Blackwell	Goodwyn	Mooneyham	Verner
Bowen, Lewis	Grove	Nichols	Walker
Burns	Hatter	Odom	Wall
Calloway	Henson	Patterson	Walton
Cato	Holcombe	Powell	Ware
Dickinson	Howard	Ringer	Williams
Elliott	Howze	Rives	

—47

*Nays:**Messrs:*

Adams	Dowdle	Hornsby	Sessions
Adcock	Dunwoody	Lee	Smith (Clay)
Boykin	Forman	Letson	Snodgrass
Burton	Glover	Love	Sollie
Byars	Guy	Moorer	Stewart (Bibb)
Christian	Hall	Parker	Thompson (Jackson)
Cook	Hampton	Posey	Tyson
Deloney	Hodgson	Sanders (Pike)	

—31

PAIR ANNOUNCED.

The following pair was announced:

Yea—Mr. Jeter.

Nay—Mr. Moxley.

RECESS.

The hour of one o'clock having arrived, the House recessed until 3 P. M.

AFTERNOON SESSION.

The hour of three o'clock having arrived, the House reconvened.

BILLS ON SECOND READING.

Mr. Luck, chairman of the Standing Committee on Local Legislation, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 478. To authorize cities which now have a population of not less than thirty thousand nor more than fifty thousand of inhabitants according to the latest Federal census, or which may hereafter have such population according to any Federal census hereafter taken, to fix and collect licenses for business done within the police jurisdiction of such city but without the limits thereof.

H. 1066. To close, vacate and annul a strip of the uniform width of seventeen and 5/10 (17.5) feet off of the south side of Virginia avenue, running from the east line of Kentucky street, according to the map and survey of City Development Company's subdivision of Boyles, as recorded in map book six (6), on page fifty-four (54) in the probate office of Jefferson county, Alabama, to the west line of Indiana street, according to the map and survey known as Mountain Park and recorded in the probate office of Jefferson county, Alabama, in map book seven (7), on page twenty-five (25).

Mr. Goode, acting chairman of the Standing Committee on Banking and Insurance, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 215. To amend section 8 of an Act entitled "An Act to incorporate the Farmers Mutual Insurance Association of the State of Alabama."

S. 498. To amend section 12 of an Act entitled "An Act to create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto," approved March 2, 1911.

S. 499. To provide for and regulate further the banking department for the State of Alabama to the end of better regulating the examinations and supervision of banks and banking in this State.

The above and foregoing bills were severally read a second time and placed on the calendar.

BILL REPORTED ADVERSELY.

Mr. Goode, acting chairman of the Standing Committee on Banking and Insurance, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

H. 1041. To provide for the guarantee of deposits in State banks of Alabama.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the resolution:

H. J. R. 238. Relative to commending the Governor and the State Board of Convict Supervisors for action taken in regard to the recent mutiny at Banner Mines.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Craft:

S. 431. To propose an amendment to the Constitution of Alabama for the purpose of authorizing the Legislature to form or provide for the formation of drainage districts, and establishing and maintaining a drainage system for the building and maintaining of public roads, and for building and maintaining a sea wall or other protection against waves, storm or flood therein; to provide for the assessment of the whole or part of the cost of such improvements against the land in such districts to the extent of the increased value of said land by reason of the special benefits derived from such improvements; to provide for the issuance of bonds by such district with or without an election,

and to order an election by the qualified electors of the State upon such proposed amendment to be held at the general State election in November, 1924. Provided the provisions as to roads and sea wall shall apply only to Mobile and Baldwin counties.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message, was read one time at length and referred to an appropriate standing committee as follows:

Revision of Laws, S. 431.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Adams:

S. 220. To amend section 2047 of the Code of Alabama as last amended.

By Mr. Foster:

S. 512. To authorize the board of managers of the State Training Schools for Girls, with approval of the Governor, to borrow money for purposes of buying lands adjoining the site of said school near Birmingham, and erecting buildings thereon and to execute a mortgage or deed of trust upon the property of said school known as the "Matsayuma Place," to secure the payment of the same.

By Mr. Foster:

S. 150. To provide for the support and maintenance, regulation and control of the Alabama Vocational School for Girls.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Judiciary, S. 512.

Ways, Means and Appropriations, S. 220, S. 150.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 142. To regulate the feeding of prisoners in county jails and to provide for the manner of payment for the feeding of such prisoners.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Holcomb, the House concurred in and adopted the Senate amendment to the bill H. 142, said Senate amendment being as follows:

Amend substitute for H. 142 so as to read as follows:

A BILL

To be entitled an Act to regulate the feeding of prisoners in county jails; to provide the manner and method of payment therefor.

Be it enacted by the Legislature of Alabama:

Section 1. That it shall be the duty of the court of county commissioners, or board of revenue, as the case may be, to supervise the feeding of all prisoners in the county jails over which they have jurisdiction.

Section 2. That it shall be the duty of the sheriff of the county, except as otherwise provided by existing laws, in person or by his deputy or jailor, to feed the prisoners in the jail under his jurisdiction in accordance with the terms of this Act.

Section 3. That food for prisoners in the jails except as otherwise provided by existing laws shall be paid for by the State according to the following scale: When the number of prisoners does not exceed ten, for each prisoner, sixty cents per day, or such part thereof as may be necessary, when the number of prisoners exceeds ten and does not exceed twenty, fifty cents per day for each prisoner, or such part thereof as may be necessary; when the number of prisoners exceeds twenty, but does not exceed forty, forty cents per day for each prisoner, or such part thereof as may be necessary; when the number of prisoners exceeds forty, thirty cents per day for each prisoner, or such part thereof as may be necessary.

Section 4. That there shall be allowed to the sheriff for preparing and serving food the additional amount of twenty-five cents a day per capita for each prisoner up to and including twenty; twenty cents per day per capita for each prisoner in excess of twenty up to and including forty, and fifteen cents per day per capita for each prisoner in excess of forty up to and including fifty, provided, however, that the sheriff shall not receive more than six dollars per day for preparing and serving food to the prisoners, and provided further, that in no case shall the sheriff

receive less than one dollar (\$1.00) per day for preparing and serving food to the prisoners.

Section 5. That the sheriffs who are on a salary basis by virtue of an amendment to the Constitution of Alabama shall not receive the allowance as provided for in this Act for the feeding of prisoners, and preparing and serving such food, but such allowance as provided herein shall be paid into the county treasury.

Section 6. On or before the tenth day of each and every month the sheriff of each county shall furnish to the court of county commissioners, or board of revenue, as the case may be, to the State Auditor, and to the State Prison Inspector, an itemized statement in detail, verified by affidavit, giving a list of all State and county prisoners by name, race, and sex, the offense charged, authority for committing, disposition of prisoner, if sentenced, date committed, date sentenced, date discharged, the number of days in jail. It shall be sufficient for the sheriff in rendering account for money expended for feeding prisoners to show the total amount expended for the month, and it shall not be necessary to itemize daily expenses of such feeding of prisoners.

Section 7. That upon the receipt of said statement from the sheriff, it shall be the duty of the State Auditor to examine the said statement thoroughly and carefully, and if the total expenditure for feeding State and county prisoners as contained therein does not exceed the amount allowed for feeding each State and county prisoner confined in said jail, as provided in section 3 of this Act, he shall draw a warrant upon the State Treasurer in favor of said sheriff for the amount so expended for feeding said prisoners. But if the sheriff is on a salary basis, as provided for under an amendment to the Constitution of Alabama, then in that event the State Auditor shall draw a warrant on the State Treasurer in favor of such county for the amount so expended. But if the said statement shows that the amount for feeding each State and county prisoner in said jail is in excess of the allowance as provided for in section 3 hereof, then the State Auditor shall draw his warrant on the State Treasurer only for such an amount as will cover the expenditure for feeding said State and county prisoners per day as provided for in section 3 hereof. The State Auditor shall also draw a warrant on the State Treasurer in favor of the sheriff to cover the allowance to sheriffs for preparing and serving food to prisoners as provided for in section 4 hereof. But if the sheriff is on a salary basis as provided for under an amendment to the Constitution of Alabama, then in that event the State Auditor shall draw a warrant on the State Treasurer in favor of such county for such allowance for preparing and serving food to prisoners.

Section 8. That all records shall be kept and statements made on forms prescribed and furnished by the State Prison Inspector and the State Auditor. It shall be the duty of the State Prison Inspector, and he is hereby given the power and authority to supervise, either in person or by deputy, the feeding of all prisoners in the jails of this State, and make and promulgate such rules and regulations, not inconsistent with law, for feeding, preparation and character of the food for all such prisoners. The sheriff shall not be required to prepare and make out what is commonly known as the daily ration sheet or the daily expense account.

Section 9. ~~That each sheriff shall keep a record showing the~~ different kinds of food served daily in the jail, and file the same between the first and tenth day of each month for the next and preceding month, with the State jail inspector.

Section 10. Nothing in this Act shall be construed to prohibit any sheriff from using from his own farm, garden, store or household the foodstuffs used in feeding prisoners and charging therefor a legitimate and fair market price.

Section 11. That any member of a court of county commissioners or board of revenue, sheriff or deputy, who violates any of the provisions of this Act, for which no specific penalty is provided shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Section 12. That all laws and parts of laws, general and local, in conflict with the provisions of this Act are hereby repealed, but nothing in this Act shall be construed or considered as repealing or affecting sections 6586 and 7197 of the Criminal Code of Alabama, which sections shall remain in full force and effect.

Section 13. That the provisions of this Act shall go into effect on the first day of November, 1923.

Section 14. That if any section or provision of this Act shall be held unconstitutional it shall not affect any other section or provision of this Act.

Yeas, 71; Nays, 2.

Yeas:

Messrs:

Mr. Speaker	Boykin	Dickinson	Glover
Adams	Burns	Dowdle	Goode
Adcock	Byars	Dunwoody	Goodwyn
Arrington	Calloway	Elliott	Guy
Ashcraft (Fayette)	Cato	Embry	Hall
Ashcraft (Lauder ^d 1)	Coleman	Fanning	Hampton
Bealle	Cook	Ferrell	Hawkins
Blackwell	Culver	Forman	Henley
Bowen, Lewis	Deloney	Glenn	Henson

Hodgson	McDaniel	Ringer	Stewart (Calhoun)
Holcombe	McGowen	Rives	Varner
Hornsby	Melton	Sanders (Conecuh)	Verner
Howard	Norman	Sanders (Pike)	Walker
Jones	Odom	Sessions	Ware
Lee	Parker	Smith (Clay)	Mrs. Wilkins
Long	Patterson	Smith (Lee)	Williams
Love	Poole	Sollie	Young
Luck	Posey	Stewart (Bibb)	

—71

Nays: Messrs. Burton and Grove—2.

REPORT OF THE CONFERENCE COMMITTEE.

To the Presiding Officer of the Senate and the Speaker of the House:

We, your conference committee appointed by the presiding officer of the Senate and Speaker of the House on the disagreement between the two houses on Senate bill 172, beg leave to report as follows:

We recommend that the Senate concur in all the House amendments except the amendment to the second section numbered section 1 of the bill.

We further recommend that the House amend the second section numbered section one so as to read as follows:

"There is hereby created a State Highway Department for the State of Alabama which shall consist of a State Highway Commission of three members, no two of whom shall be from the same county, to be appointed by the Governor. The said commissioners shall be bona fide residents and qualified voters of Alabama. Unless otherwise removed from office as is provided for in this Act the president of the commission shall serve for six years from date of appointment; one associate member shall serve for four years from date of appointment and the other associate member shall serve for two years from date of appointment, after which the term of each member shall be four years unless sooner removed as is provided for in this Act. The Governor may remove any member as is now provided for by law for the removal of appointive officers by the Governor. All vacancies in the commission shall be filled by appointment of the Governor for the unexpired term. Two members of the commission shall constitute a quorum for the transaction of business of the State Highway Department. Notices of all meetings of the commission shall be given by the secretary of the commission, in such manner and under such rules and regulations as may be prescribed by the commission. Each of the commissioners shall execute a bond in such amount as the Governor may require, payable to the State, in some guaranty company doing business in Alabama."

We further recommend that the bill be amended by the House by the addition of another section to be numbered "section 241½" as follows:

Section 241½. That the commission shall adopt regulations governing the positions for placing markers, signs and advertising on the right of way of all State-controlled highways, and no signs or advertising matter shall be placed on said highways except in accordance with such regulations. The State Board of Administration is hereby vested with the authority to let contracts for the placing of markers and posting of signs and advertising matter on said highways and shall fix the compensation to be paid to the State by all persons contracting with said board for advertising space on said highways, to be paid in annual, quarterly or monthly installments as may be prescribed by said board, provided, that if any contract is made with any person for the purpose of sub-letting the space by such contractor, the compensation to be paid the State by such contractor shall be not less than twenty per cent of the gross income received by him. No contract for posting signs or advertising on said highways not made by the State Board of Administration shall be valid and all such contracts heretofore attempted to be made by the State Highway Department are hereby expressly declared to be void. All proceeds received by the State from such contracts shall be used for maintenance of said highways to be drawn out of the treasury as other highway funds are withdrawn therefrom."

We recommend that said amendments be adopted by the House and that the House pass the bill as so amended, that the Senate concur in said amendments, and that the Senate pass said bill as amended by the House, and by this Conference Committee report, and that the House pass said bill and adopt all said amendments as recommended by this conference report.

Respectfully submitted,

J. M. Foster,
B. deG. Waddell,
James B. Ellis,

Committee on part of Senate.

J. Lee Long,
Frank B. Embry,
C. W. Ashcraft,

Committee on part of House.

On motion of Mr. Long the House concurred in and adopted the report of the conference committee on the disagreement of the two houses on the House amendments to the bill S. 172.

Yeas, 64; Nays, 22.

Yeas:

Messrs:

Mr. Speaker	Elliott	Kilborn	Posey
Adams	Embry	Kilpatrick	Ringer
Arrington	Fanning	Lee	St. John
Ashcraft (Fayette)	Ferrell	Letson	Sanders (Pike)
Ashcraft (Lauderd'l)	Fite	Long	Sessions
Bealle	Glenn	Love	Smith (Jefferson)
Blackwell	Goode	Luck	Smith (Lee)
Bowen, Lewis	Goodwyn	McDaniel	Snodgrass
Bowen, L. K.	Graves	McGowen	Stewart (Bibb)
Boykin	Guy	Melton	Stewart (Calhoun)
Cato	Hall	Moorer	Tunstall
Christian	Hatter	Norman	Verner
Coleman	Hawkins	Parker	Walker
Deloney	Henley	Patterson	Mrs. Wilkins
Dickinson	Howze	Pickens	Williams
Dowdle	Jones	Poole	Young

—64

Nays:

Messrs:

Burns	Gaines	Moxley	Sollie
Burton	Glover	Powell	Thompson (Jackson)
Calloway	Grove	Rives	Tyson
Cook	Henson	Sanders (Conecuh)	Walton
Culver	Hodgson	Smith (Clay)	Ware
Dunwoody	Howard		

—22

MESSAGE TO THE HOUSE.

Gentlemen:

I am herewith returning you House bill 539 to provide for and create a lien in favor of all owners of peanut machines or pickers, etc.

I fully approve of the bill but I am informed by the Code Committee that the new Code contains the same or similar provisions of this bill and that the new Code affords a better process or procedure for enforcing the liens than is provided for in this bill. I, therefore, suggest the following amendment:

Amend the bill by striking out section 7 thereof and inserting in lieu thereof the following:

"That the lien hereby given and conferred by this Act after the new Code adopted by this session of the Legislature becomes operative or goes into effect may be enforced in the manner provided therein for enforcing the same or similar liens as is provided for in this Act."

Respectfully submitted,

Wm. W. Brandon,
Governor.

Sept. 20, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Glover, the House concurred in and adopted the amendment proposed by the Governor to the bill, H. 539, said Governor's amendment being set out in the above and foregoing message from the Governor.

Yeas, 78; Nays, 0.

*Yeas:**Messrs:*

Mr. Speaker	Deloney	Howze	St. John
Adams	Dickinson	Jones	Sanders (Conecuh)
Adcock	Dowdle	Kilborn	Sanders (Pike)
Arrington	Dunwoody	Lee	Sessions
Ashcraft (Fayette)	Embry	Letson	Smith (Clay)
Ashcraft (Lauderd ¹)	Fanning	Long	Smith (Jefferson)
Bealle	Ferrell	Love	Smith (Lee)
Blackwell	Gaines	Luck	Snodgrass
Bowen, Lewis	Glover	McDaniel	Stewart (Calhoun)
Bowen, L. K.	Goode	McGowen	Tiller
Boykin	Goodwyn	Moorer	Tyson
Burns	Graves	Norman	Verner
Burton	Guy	Odom	Walker
Byars	Hall	Parker	Wall
Calloway	Hatter	Patterson	Walton
Cato	Henley	Poole	Ware
Christian	Henson	Powell	Mrs. Wilkins
Coleman	Hodgson	Ringer	Williams
Cook	Hornsby	Rives	Young
Culver	Howard		

—78

Which was a majority of the whole number elected to the House.

And the bill:

H. 539. To provide for and create a lien in favor of all owners of peanut machines or pickers in the State of Alabama; to provide for the enforcement of such lien.

As amended by the amendment proposed by the Governor, was again read a third time at length and passed.

Yeas, 70; Nays, 0.

*Yeas:**Messrs:*

Mr. Speaker	Deloney	Howze	Posey
Adams	Dowdle	Jones	Ringer
Adcock	Elliott	Kilborn	Rives
Arrington	Embry	Lee	St. John
Ashcraft (Fayette)	Fanning	Letson	Smith (Lee)
Ashcraft (Lauderd ¹)	Ferrell	Long	Snodgrass
Bealle	Fite	Love	Sollie
Blackwell	Glover	Luck	Stewart (Calhoun)
Bowen, Lewis	Goode	McDaniel	Thompson (Jackson)
Bowen, L. K.	Goodwyn	McGowen	Tyson
Boykin	Graves	Moorer	Verner
Burns	Grove	Nichols	Walker
Burton	Guy	Norman	Wall
Byars	Hatter	Odom	Walton
Cato	Henley	Parker	Ware
Christian	Henson	Pickens	Williams
Cook	Holcombe	Poole	Young
Culver	Howard		

—70

Which was a majority of the whole number elected to the House.

MESSAGE TO THE HOUSE.

Gentlemen:

I herewith return you House bill 605 without my approval.

This bill is susceptible of such construction and enforcement as to violate sections 68 and 98 of the Constitution of this State.

I, therefore, recommend the following amendment to prevent such construction and enforcement:

Add at the end of the bill the following proviso:

"Provided this Act shall never be so construed or enforced as to grant any extra compensation, fee or allowance to any public officer, servant or employee after services shall have been rendered, nor increase or decrease the fees and compensation of such officers during their term of office, nor shall it authorize the retirement of any officer on pay, or part pay, or make any grant to such retiring officer."

With this amendment the bill will meet my approval.

Respectfully submitted,
Wm. W. Brandon,
Governor.

Sept. 20, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Lewis Bowen, the House concurred in and adopted the amendment proposed by the Governor to the bill, H. 605, said Governor's amendment being set out in the above and foregoing message from the Governor.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Lee	Smith (Clay)
Adams	Fite	Letson	Smith (Jefferson)
Adcock	Gaines	Long	Smith (Lee)
Arrington	Glenn	Love	Snodgrass
Bealle	Glover	Luck	Sollie
Blackwell	Goode	Melton	Tiller
Bowen, Lewis	Grove	Moorer	Tunstall
Bowen, L. K.	Guy	Nichols	Tyson
Boykin	Hall	Odom	Varner
Burns	Hatter	Parker	Verner
Byars	Henley	Pickens	Walker
Cato	Henson	Poole	Wall
Cook	Howard	Ringer	Walton
Culver	Howze	Rives	Ware
Deloney	Jeter	St. John	Williams
Dowdle	Jones	Sessions	Young
Elliott			

—65

Which was a majority of the whole number elected to the House.

And the bill:

H. 605. To authorize county boards of education in counties of two hundred thousand (200,000) or more population according to the Federal census of 1920, or any subsequent Federal census; to create and maintain pension funds for teachers; to make

and collect assessments against teachers' salaries to be placed to the credit of pension funds; to accept gifts and bequests to pension funds; and to require said boards of education to retire on pension teachers who meet conditions hereinafter set forth.

As amended by the amendment proposed by the Governor was again read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Bealle

Bowen, Lewis

Bowen, L. K.

Boykin

Burns

Burton

Byars

Cato

Coleman

Cook

Culver

Deloney

Dowdle

Elliott

Embry

Fanning

Ferrell

Fite

Gaines

Glenn

Glover

Goode

Graves

Grove

Guy

Hall

Henley

Henson

Hornsby

Howard

Howze

Jeter

Jones

Lee

Letson

Long

Love

Luck

Melton

Moorer

Nichols

Odom

Parker

Pickens

Poole

Ringer

Rives

St. John

Seasions

Smith (Jefferson)

Snodgrass

Sollie

Tiller

Tunstall

Tyson

Varner

Verner

Wall

Walton

Ware

Williams

Young

—65

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the House of Representatives:

I am directed by the Governor to hand you herewith a message concerning the checking of certain bills.

Respectfully,

A. L. Tyson,

Secretary to the Governor.

Sept. 20, 1923.

GOVERNOR'S MESSAGE.

Message to the Legislature:

Gentlemen:

I respectfully suggest and request that each member of the Legislature who is particularly and peculiarly interested in any local bill to see that the proper entries are made in the journals of the two houses, and compare the original bill with the engrossed bill, and the engrossed bill with the enrolled bill.

I find that the impression prevails that the Governor's office checks all these matters. It would be a physical impossibility for the Governor's office to check each bill as to all these matters. The best this office can do is to see that the enrolled bill on its face shows that it is constitutionally enacted.

I do not send this as a criticism of those charged with keeping or making the journals, nor with any of the enrolling or engrossing clerks, but merely to inform the members that it is a physical impossibility for the Governor's office to check or verify all these matters.

Respectfully,
Wm. W. Brandon,
Governor.

Sept. 20, 1923.

BILLS ON THIRD READING.

H. 552 (with substitute). To prescribe the qualifications of persons who may hold the office of county superintendents of education in the several counties of the State; to regulate the employment or election of county superintendents of education, and to prescribe penalties for the violation of the provisions of this Act.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Education, said substitute being as follows:

Substitute H. 552:

A BILL

To be entitled an Act to prescribe the qualifications of persons who may hold the office of county superintendents of education in the several counties of the State; to regulate the employment or election of county superintendents of education, and to prescribe penalties for the violation of the provisions of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. That on and after the passage of this Act a person to be eligible for appointment or election to the office of county superintendent of education shall hold a certificate in administration and supervision which shall represent graduation from a standard normal school or its equivalent, the completion of at least one year of college work in advance of that of normal school graduation, and the submission of proof of having been engaged for at least three years in educational work.

Section 2. That before any person shall become an applicant for employment by a county board of education, as county superintendent of education, and before any person shall qualify as a candidate for the office of county superintendent of education for a county in which such officer is elected by the qualified voters of the county, such person shall make affidavit that he or she has and possesses the qualifications prescribed in section 1 of this Act; which said affidavit shall be filed with the judge of probate of the county where he or she seeks the office of county superintendent of education, and the same shall be recorded in a permanent record kept for that purpose. At the grand jury of

the county assembled next after the making of such affidavits the record of the same shall be submitted to the grand jury. In any prosecution for perjury under this Act the record of the affidavit shall be admissible in evidence.

Section 3. No person shall pay to any person as a salary or compensation for services as county superintendent of education public funds, if such person does not hold a certificate in administration and supervision as herein provided and if said person shall not have complied with the provisions of this Act.

Section 4. All laws and parts of laws, general, special or local in conflict herewith be and the same are hereby repealed.

Mr. Williams offered the following amendment to the substitute:

To amend substitute for House bill 552 by striking out section 1 and substituting the following in lieu therefor:

Section 1. That no person shall be eligible for appointment by any county board of education or for political party nomination to the office of county superintendent of education of any county who does not as now required hold an Alabama certificate in administration and supervision based as a minimum upon graduation from a standard normal school or equivalent education with at least one year of additional study of college grade, and proof of three years of successful teaching experience.

Also, amend said bill by striking therefrom section 3 of the bill.

And the amendment was adopted.

Mr. Guy offered the following amendment to the substitute:

Amend by adding to the substitute the following: That the provisions of this Act shall not apply to a county superintendent of education now holding office of county superintendent, and who has held such office for a period of five years.

On motion of Mr. Williams the amendment offered by Mr. Guy was laid upon the table.

And the substitute as amended was adopted.

Yeas, 63; Nays, 3.

Yeas:

Messrs:

Mr. Speaker	Christian	Goode	Long
Adams	Coleman	Goodwyn	Love
Adcock	Cook	Grove	McDaniel
Ashcraft (Fayette)	Culver	Henley	Norman
Bealle	Deloney	Henson	Odom
Bowen, Lewis	Dickinson	Hodgson	Parker
Bowen, L. K.	Dowdle	Holcombe	Pickens
Boykin	Elliott	Hornsby	Posey
Burns	Embry	Jones	Ringer
Burton	Fanning	Kilpatrick	Rives
Calloway	Ferrell	Lee	Sanders (Pike)
Cato	Glover	Letson	Sessions

Smith (Clay)	Sollie	Tyson	Ware
Smith (Jefferson)	Stewart (Bibb)	Verner	Williams
Smith (Lee)	Stewart (Calhoun)	Walker	Young
Snodgrass	Tiller	Walton	

—63

Nays:

Messrs:		
Guy	Moorer	Moxley

—3

And the bill:

H. 552. To prescribe the qualifications of persons who may hold the office of county superintendents of education in the several counties of the State; to regulate the employment or election of county superintendents of education, and to prescribe penalties for the violation of the provisions of this Act.

As amended by the substitute as amended, was read a third time at length and passed.

Yeas, 56; Nays, 2.

Yeas:

Messrs:			
Mr. Speaker	Elliott	Long	Smith (Lee)
Adams	Embry	Love	Sollie
Adcock	Fanning	McDaniel	Stewart (Bibb)
Ashcraft (Fayette)	Ferrell	Moxley	Stewart (Calhoun)
Ashcraft (Lauderdale)	Goode	Odom	Thompson (Jackson)
Blackwell	Goodwyn	Parker	Tiller
Bowen, Lewis	Grove	Posey	Tunstall
Boykin	Henson	Ringer	Tyson
Burns	Hodgson	Rives	Verner
Byars	Holcombe	Sanders (Conecuh)	Walker
Calloway	Hornsby	Sanders (Pike)	Walton
Cato	Howze	Sessions	Ware
Culver	Jones	Smith (Clay)	Williams
Dowdle	Letson	Smith (Jefferson)	Young

—56

Nays: Messrs. Guy and Poole—2.

And the bill was ordered sent to the Senate without engrossment.

H. 1019. To authorize courts to prohibit, for definite periods or perpetually, the operation of motor vehicles by persons convicted of operating a motor vehicle in violation of a criminal statute or ordinance, and to fix the punishment for the violation of such order, and to provide for appeals from such orders.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:			
Mr. Speaker	Ashcraft (Fayette)	Burns	Dunwoody
Adams	Bealle	Christian	Embry
Adcock	Bowen, L. K.	Cook	Fanning
Arrington	Boykin	Dowdle	Ferrell

Fite	Holcombe	Odom	Smith (Lee)
Glenn	Hornsby	Parker	Snodgrass
Glover	Jones	Pickens	Stewart (Calhoun)
Goode	Kilborn	Poole	Thompson (Jackson)
Goodwyn	Kilpatrick	Posey	Tiller
Grove	Letson	Powell	Varner
Hall	Luck	Ringer	Verner
Hampton	McDaniel	Rives	Walker
Hatter	McGower	Sanders (Conecuh)	Walton
Henley	Mooneyham	Sanders (Pike)	Ware
Hodgson	Moxley	Smith (Jefferson)	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 930. To provide for the preservation, development and improvement of the State's oysters and oyster beds; to provide methods for the removal of oysters from the waters of this State; to provide for planting seed oysters and oyster shells on barren bottoms and depleted areas in the waters of Alabama; to provide for the repeal of statutes relating to leasing oyster bottoms; to provide for revenue to carry on the development of the State's oyster reefs and oyster bottoms; to provide for a tax on oysters; and for other purposes.

Was taken up. Mr. Holcomb offered the following amendment to the bill:

Amend House bill 930 by adding thereto, after section 7, the following:

Section 11½. That for the purpose of developing, and enlarging the oyster reefs and improving the oyster bottoms in the waters of Alabama the commissioner of game and fisheries or the commissioner of conservation, is hereby authorized to remove, by means of power tongs, or dredges, or otherwise, oysters from that portion of Mobile bay north of a line extended from the center of section 6, township 8 south, range 1 west, at Alabama Port, Mobile county, Alabama, easterly to Mullet Point on the eastern shore of Mobile bay in Baldwin county, Alabama.

And the amendment was adopted.

Yeas, 55; Nays, 1.

Yeas:

Messrs:

Mr. Speaker	Christian	Goodwyn	McGowen
Adams	Coleman	Grove	Melton
Adcock	Cook	Hatter	Moxley
Arrington	Deloney	Henson	Norman
Bealle	Dowdle	Hodgson	Odom
Bowen, Lewis	Embry	Holcombe	Patterson
Boykin	Fanning	Jones	Pickens
Burns	Ferrell	Kilborn	Posey
Burton	Fite	Letson	Powell
Calloway	Goode	McDaniel	Ringer

Rives	Smith (Jefferson)	Thompson (Jackson)	Walker
St. John	Sollie	Tunstall	Walton
Sanders (Pike)	Stewart (Bibb)	Varner	Young
Sessions	Stewart (Calhoun)	Verner	

—55

Nays:

Mr. Ware—1.

Mr. Holcomb offered the following amendment to the bill:

Amend section 1 of House bill 930 by adding thereto after the final word "board" in said section the following: The expenses of such planting may also be paid out of any appropriations which have been or may hereafter be made for the development of the State's oyster reefs and bottoms.

And the amendment was adopted.

Yeas, 55; Nays, 1.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Letson	Sanders (Pike)
Adams	Embry	McDaniel	Sessions
Adcock	Fanning	McGowen	Smith (Jefferson)
Arrington	Ferrell	Melton	Sollie
Bealle	Fite	Moxley	Stewart (Bibb)
Bowen, Lewis	Goode	Norman	Stewart (Calhoun)
Boykin	Goodwyn	Odom	Thompson (Jackson)
Burns	Grove	Patterson	Tunstall
Burton	Hatter	Pickens	Varner
Calloway	Henson	Posey	Verner
Christian	Hodgson	Powell	Walker
Coleman	Holcombe	Ringer	Walton
Cook	Jones	Rives	Young
Deloney	Kilborn	St. John	

—55

Nays:

Mr. Ware—1.

Mr. Holcomb offered the following amendment to the bill:

Amend House bill 930 by adding at the end of section 10 the following: The funds derived from the taxes and licenses herein provided shall be used by the commissioner of conservation or commissioner of game and fisheries for replenishing the public oyster bottoms and public oyster lands in Alabama, and for planting and replanting oysters and oyster shells in and on the said bottoms.

And the amendment was adopted.

Yeas, 55; Nays, 1.

Yeas:

Messrs:

Mr. Speaker	Bealle	Burton	Cook
Adams	Bowen, Lewis	Calloway	Deloney
Adcock	Boykin	Christian	Dowdle
Arrington	Burns	Coleman	Embry

Fanning	Jones	Pickens	Stewart (Bibb)
Ferrell	Kilborn	Posey	Stewart (Calhoun)
Fite	Letson	Powell	Thompson (Jackson)
Goode	McDaniel	Ringer	Tunstall
Goodwyn	McGowen	Rives	Varner
Grove	Melton	St. John	Verner
Hatter	Moxley	Sanders (Pike)	Walker
Henson	Norman	Sessions	Walton
Hodgson	Odom	Smith (Jefferson)	Young
Holcombe	Patterson	Sollie	

—55

Nays:~~Mr. Ware—1.~~

Mr. Holcomb offered the following amendment to the bill:

Amend section 11 of H. 930 by adding before the words "oyster bottoms" where they appear on the second line of said section, the words "the State's public" so that the first two lines of said section will read: "That from and after the passage of this Act the leasing of the State's public oyster bottoms by persons, firms and corporations shall not be permitted."

And the amendment was adopted.

Yeas, 55; Nays, 1.

*Yeas:**Messrs:*

Mr. Speaker	Dowdle	Letson	Sanders (Pike)
Adams	Embry	McDaniel	Sessions
Adcock	Fanning	McGowen	Smith (Jefferson)
Arrington	Ferrell	Melton	Sollie
Bealle	Fite	Moxley	Stewart (Bibb)
Bowen, Lewis	Goode	Norman	Stewart (Calhoun)
Boykin	Goodwyn	Odom	Thompson (Jackson)
Burns	Grove	Patterson	Tunstall
Burton	Hatter	Pickens	Varner
Calloway	Henson	Posey	Verner
Christian	Hodgson	Powell	Walker
Coleman	Holcombe	Ringer	Walton
Cook	Jones	Rives	Young
Deloney	Kilborn	St. John	

—55

Nays:

Mr. Ware—1.

Mr. Kilborn offered the following amendment to the bill:

Amend House bill 930 by striking therefrom sections 4, 5, 6 and 7, and by renumbering sections 8, 9, 10, 11, 12, 13, 14, 15 and 16, so that the said sections shall bear the following respective numbers; viz., sections numbers 4, 5, 6, 7, 8, 9, 10, 11 and 12.

And the amendment was adopted.

Yeas, 55; Nays, 1.

*Yeas:**Messrs:*

Mr. Speaker	Dowdle	Letson	Sanders (Pike)
Adams	Embry	McDaniel	Sessions
Adcock	Fanning	McGowen	Smith (Jefferson)
Arrington	Ferrell	Melton	Sollie
Bealle	Fite	Moxley	Stewart (Bibb)
Bowen, Lewis	Goode	Norman	Stewart (Calhoun)
Boykin	Goodwyn	Odom	Thompson (Jackson)
Burns	Grove	Patterson	Tunstall
Burton	Hatter	Pickens	Varner
Calloway	Henson	Posey	Verner
Christian	Hodgson	Powell	Walker
Coleman	Holcombe	Ringer	Walton
Cook	Jones	Rives	Young
Deloney	Kilborn	St. John	

—55

Nays:

Mr. Ware—1.

And the bill:

H. 930. To provide for the preservation, development and improvement of the State's oysters and oyster beds; to provide methods for the removal of oysters from the waters of this State; to provide for planting seed oysters and oyster shells on barren bottoms and depleted areas in the waters of Alabama; to provide for the repeal of statutes relating to leasing oyster bottoms; to provide for revenue to carry on the development of the State's oyster reefs and oyster bottoms; to provide for a tax on oysters; and for other purposes.

As amended, was read a third time at length and passed.

Yeas, 58; Nays, 1.

*Yeas:**Messrs:*

Mr. Speaker	Dowdle	Kilpatrick	Powell
Adams	Elliott	Lee	Ringer
Adcock	Embry	Letson	Rives
Arrington	Fanning	Luck	Sanders (Pike)
Ashcraft (Fayette)	Glenn	McDaniel	Sessions
Ashcraft (Lauder's)	Goode	McGowen	Smith (Lee)
Bealle	Goodwyn	Melton	Sollie
Bowen, Lewis	Grove	Mooneyham	Stewart (Bibb)
Bowen, L. K.	Hatter	Moxley	Stewart (Calhoun)
Boykin	Henson	Norman	Tunstall
Calloway	Hodgson	Odom	Verner
Christian	Holcombe	Patterson	Walker
Coleman	Hornsby	Pickens	Walton
Cook	Jones	Posey	Young
Deloney	Kilborn		

—58

Nays:

Mr. Ware—1.

And the bill was ordered sent to the Senate without engrossment.

H. 608. To make an appropriation to pay premiums on cattle and hogs exhibited at the Alabama Fat Stock Show in Montgomery, Alabama.

Was read a third time at length and passed.

Yeas, 53; Nays, 22.

Yeas:

Messrs:

Mr. Speaker	Gaines	Kilborn	Poole
Arrington	Goode	Kilpatrick	Ringer
Ashcraft (Lauder)	Goodwyn	Lee	Rives
Bowen, Lewis	Graves	Luck	St. John
Bowen, L. K.	Grove	McDaniel	Sessions
Boykin	Guy	McGowen	Smith (Jefferson)
Burns	Hall	Melton	Sollie
Byars	Hampton	Mooneyham	Stewart (Calhoun)
Calloway	Hatter	Moorer	Tiller
Cato	Henley	Norman	Tyson
Dunwoody	Holcombe	Odom	Varner
Embry	Hornsby	Patterson	Ware
Fanning	Howard	Pickens	Young
Ferrell			

—53

Nays:

Messrs:

Adams	Cook	Hodgson	Smith (Clay)
Ashcraft (Fayette)	Dowdle	Love	Snodgrass
Bealle	Forman	Moxley	Stewart (Bibb)
Blackwell	Glenn	Sanders (Concuh)	Thompson (Jackson)
Burton	Hawkins	Sanders (Pike)	Verner
Coleman	Henson		

—22

And the bill was ordered sent to the Senate without engrossment.

The following resolutions were introduced:

By Mr. Grove:

H. R. 239. Resolved, That House bill 638, "To provide for the organization, regulation and extension of institutions for savings and credit facilities to be termed 'co-operative credit associations,' and to define their powers," be made a special, paramount and continuing order for the 48th legislative day.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Moxley:

H. J. R. 240. Be it resolved by the House, the Senate concurring, That, whereas, the Senate has originated and passed substitute to Senate bill 172, known as the State Highway Bill, providing further for the construction, repair and maintenance of the public roads, bridges and highways in this State; whereas the House has passed the above bill with certain amendments; whereas, a commission is to be appointed by the Governor, vested with all the powers, duties and authorities contained in said Act, and entrusted with the economic and judicious expenditure

of more than \$40,000,000.00, in compliance with the mandates of the Congress of the United States and Legislature of Alabama, and in such manner as to result in the most good to the greatest number of people; and whereas, the present highway commission has characterized itself by such inefficiency in the administration of its duties by reason of such extravagance and waste of the highway funds, as to wholly disqualify themselves to occupy such position under an administration that pledged to the people of the State to "cut expenses of every department to the bone;" be it resolved by the Legislature of Alabama, the representatives of the people, that we earnestly request and petition his excellency, the Governor of Alabama, to appoint a highway commission with a view of reuniting a broken faith and confidence of the people in this department; and be it further resolved, that implicit confidence be imposed in his excellency in the selection of a workable and working, a responsive and responsible commission of unquestioned ability and integrity and with a willingness to render indiscriminate service.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Walton:

H. R. 241. Resolved, That when the House convenes tonight at eight o'clock there be a call of counties at which call each member shall be entitled to call up for passage one local uncontested House bill; and that immediately after such call of counties, the House proceed with the regular order of House bills.

And the rules were suspended and the resolution was adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the House amendment to the bill:

S. 172. To amend an Act approved October 31, 1921, entitled An Act to provide further for the construction, repair, and maintenance of the public roads, bridges and highways in this State.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 782. To provide further for appropriations to the State Board of Health for the purpose of promoting further the public health of the State and the several counties thereof.

J. E. Speight,
Secretary.

BILLS ON THIRD READING.

H. 373 (with substitute). Regulating the administration of guardianships in the chancery courts or the courts of like jurisdiction in this State.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Revision of Laws, said committee substitute being as follows:

Substitute for H. 373:

A BILL

~~To be entitled An Act regulating the administration of guardianships and estates in the chancery courts or the courts of like jurisdiction in this State.~~

Section 1. Be it enacted by the Legislature of Alabama, That the administration or conduct of any guardianship or administration of any estate of a minor or minors may be removed from the probate court to the chancery court or court of like jurisdiction at any time before the final settlement thereof, by the guardian of any such guardianship or guardian ad litem or next friend of any minor heir interested in any estate without assigning any special equity, and an order of removal must be made by the court, chancellor, or judge, either in term time or in vacation, upon the filing of a sworn petition by any such guardian, guardian ad litem or next friend for the estate of any minor or minors, reciting that the petitioner is the guardian or guardian ad litem or next friend of such minor or minors and that in the opinion of the petitioner such guardianship or estate can be better administered in the chancery court or court of like jurisdiction than in the probate court.

Section 2. All laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

Section 3. This Act is to become a law immediately upon the approval of the Governor.

And the substitute was adopted.

Yeas, 63; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Burns	Embry	Henley
Adams	Burton	Fanning	Henson
Adcock	Byars	Fite	Holcombe
Arrington	Cato	Gaines	Howard
Ashcraft (Fayette)	Cook	Glenn	Howze
Ashcraft (Lauderd ¹)	Culver	Goode	Jones
Bealle	Deloney	Graves	Kilborn
Blackwell	Dickinson	Grove	Lee
Bowen, Lewis	Dowdle	Guy	Letson
Bowen, L. K.	Elliott	Hatter	Love

Luck	Poole	Sanders (Pike)	Tiller
Melton	Posey	Smith (Clay)	Tyson
Mooneyham	Powell	Smith (Lee)	Verner
Moxley	Ringer	Snodgrass	Walker
Odom	Rives	Sollie	Ware
Pickens	St. John	Stewart (Calhoun)	

—63

And the bill:

H. 373. Regulating the administration of guardianships in the chancery courts or the courts of like jurisdiction in this State.

As amended by the substitute, was read a third time at length and passed.

Yeas, 63; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Cook	Hatter	Parker
Adams	Culver	Henley	Poole
Adcock	Deloney	Henson	Powell
Arrington	Dowdle	Hornsby	Ringer
Ashcraft (Fayette)	Elliott	Howze	Rives
Ashcraft (Lauderd ¹)	Embry	Jones	St. John
Bealle	Fanning	Kilborn	Sessions
Blackwell	Ferrell	Lee	Sollie
Bowen, Lewis	Fite	Letson	Stewart (Calhoun)
Bowen, L. K.	Gaines	Love	Tiller
Boykin	Glenn	Luck	Varner
Burns	Glover	Melton	Walker
Burton	Goode	Moorer	Ware
Byars	Goodwyn	Moxley	Williams
Cato	Grove	Norman	Young
Coleman	Guy	Odom	

—63

And the bill was ordered sent to the Senate without engrossment.

RECESS.

On motion of Mr. St. John, the House recessed until 8 o'clock tonight.

NIGHT SESSION.

The hour of eight o'clock having arrived the House reconvened.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 605. To authorize county boards of education in counties of two hundred thousand (200,000) or more population accord-

ing to the Federal census of 1920 or any subsequent Federal census; to create and maintain pension funds for teachers; to make and collect assessments against teachers' salaries to be placed to the credit of pension funds; to accept gifts and bequests to pension funds; and to require said boards of education to retire on pension teachers who meet conditions hereinafter set forth.

By a vote of a majority of the whole number elected to the Senate; said vote being yeas 26, nays 0.

And said bill, H. 605, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote on the passage of said bill as amended, being yeas 25, nays 0.

And said bill, together with the Governor's message containing the proposed amendment, is herewith returned to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 539. To provide for and create a lien in favor of all owners of peanut machines or pickers in the State of Alabama; to provide for the enforcement of such lien.

By a vote of a majority of the whole number elected to the Senate; said vote being yeas 27, nays 0.

And said bill, H. 539, as amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote on the passage of said bill as amended being yeas 24, nays 0.

And said bill, together with the Governor's message containing the amendment, is herewith returned to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Middleton:

S. 495. To repeal an Act entitled an Act: "To prevent the spread of tuberculosis by the creation of a tuberculosis commission, to provide for its organization and work, and to authorize

the erection and maintenance of local hospitals under its supervision." Approved September 22, 1915.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate standing committee as follows:

Public Health, S. 495.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 192. To regulate the sale, giving away, or other disposition of drugs, medicines, or poisons in this State, and to provide for the creation of a board of pharmacy for service in connection with such sale, giving away, or other disposition.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Mooneyham the House concurred in and adopted the Senate amendment to the bill, H. 192, said Senate amendment being as follows:

Amend House bill 192, section 1, page 2, line ten thereof by striking out the following "Provided further, that nothing in this section shall be so construed as to apply to the sale of patent and proprietary medicines in original packages, and in any locality the ordinary household remedies and such drugs or medicines as may be specified by said board of pharmacy, shall be permitted to be sold by those engaged in the sale of general merchandise," and substituting therefor the following: "Provided, however, that nothing in this section shall be so construed as to apply to the sale of patent and proprietary medicines or the ordinary household remedies, and such drugs or medicines as may be specified by said board of pharmacy, shall be permitted to be sold by those engaged in the sale of general merchandise or wholesale or retail groceries."

Yeas, 67; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Hornsby	Ringer
Adams	Dowdle	Howard	Rives
Adcock	Embry	Howze	St. John
Ashcraft (Fayette)	Fanning	Jeter	Sanders (Pike)
Ashcraft (Lauderd'e)	Ferrell	Kilborn	Smith (Clay)
Bealle	Forman	Lee	Smith (Lee)
Blackwell	Glenn	Letson	Snodgrass
Bowen, Lewis	Glover	Love	Sollie
Bowen, L. K.	Goode	Luck	Stewart (Calhoun)
Boykin	Goodwyn	McDaniel	Thompson (Jackson)
Burns	Graves	Mooneyham	Tyson
Burton	Greve	Moxley	Walker
Byars	Hatter	Nichols	Wall
Calloway	Henley	Odom	Walton
Christian	Henson	Parker	Ware
Cook	Hodgson	Poole	Young
Deloney	Holcombe	Powell	

—67

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill:

H. 570. To provide a general system of legislation pertaining to agriculture and industries, and related subjects, including therein: the establishment of a department of agriculture and industries; a State Board of Agriculture; the abolishment of the board of agriculture as provided by an Act approved February 11, 1911, and known as the board of agriculture; the abolishment of the board provided for by chapter 24 of the Code of 1907, as subsequently amended and known as the State Board of Horticulture; and the abolishment of a board provided for by article 4 of chapter 22 of the Code of 1907, as subsequently amended and known as the State Livestock Sanitary Board; the transfer of all the powers and duties vested in and required to be performed by the said boards abolished, and of any unexpended balances of fees or appropriations to the said board created in this Act; the prescribing of the powers and duties of the commissioner of agriculture and industries, and of the State Board of Agriculture; and including ample provisions governing and regulating the subjects of fertilizers and fertilizer materials; limestone; white lead or paints, linseed oil, and turpentine; kerosene and other illuminating oils; insecticides and fungicides; commercial feeds; agricultural seeds; eggs; vinegar; sausage, imitation butter and cheese; milk, cream, ice cream and other dairy products, and the premises thereof; foods and drugs; corn meal; mills and millers; bees and honey; weights and measures, and the legal weights and measures of certain commodities; public gins; cotton; cotton standards and public cotton classers; public warehouses; uniform

law of warehouse receipts; horticultural and floracultural products; trees, fruit trees, seeds, plants and vines as to name, variety and kind; citrus fruits; sale of farm produce by the producer; standards for agricultural products and their containers; standards for grain; livestock; livestock pedigrees; estrays; the sale of farm produce on commission; the leveeing, ditching and drainage of wet, swamp and overflowed lands; the purchase and support of experimental farms by counties; the approval and support of county agents; the establishment of an agricultural fund in the State treasury out of the sums accruing from the operation of the provisions of this Act, and the appropriations from said fund, for the support of these provisions; and the repeal of all laws and parts of laws in conflict with the provisions of this Act.

And returns same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Burns, the House concurred in and adopted the Senate amendment to the bill 570, said Senate amendment being as follows:

Amend House bill 570, article 43, sections 1 and 2, so as to read as follows:

Section 1. The commissioner of agriculture and industries shall duly record the accruing funds as to source, and shall deposit daily in the State treasury all funds accruing under the operations of this Act, including the net proceeds of fines imposed and of the sale of any confiscated articles or products.

Section 2. For the operation and maintenance of the Department of Agriculture and Industries, including salaries and the necessary analytical work by the State Chemical Laboratory, the per diem and other necessary expenses of the State Board of Agriculture; for carrying out the provisions and purposes of article 25 of this Act relating to horticulture; for carrying out the provisions and purposes of article 37 of this Act, relating to livestock sanitary work; for carrying out the provisions and purposes of article 41 of this Act, relating to farm demonstration work; for soil survey work as authorized by this Act, and for carrying into effect all the provisions of this Act, which relate in any manner to the duties of the commissioner of agriculture and industries or to the duties of the commissioner as executive officer of the State Board of Agriculture, there is hereby appropriated per annum out of any monies in the State treasury, the sum of \$142,450; provided that \$7,500 per annum of amount shall be used for the purposes of article 25 of this Act, relating

to horticulture; provided that forty thousand (\$40,000.00) dollars per annum of said amount shall be used for the purposes of article 37 of this Act, relating to livestock sanitary work; provided that thirty thousand (\$30,000.00) dollars per annum of said amount shall be used for the purposes of article 41 of this Act, relating to farm demonstration work; provided that \$4,000 per annum of said amount shall be used for the soil survey, re-survey, revisions and reports on same, of the State; provided that \$7,000 per annum of said amount shall be used for the purposes of article 21 of this Act, relating to analytical work and reports by the State Chemical Laboratory, and that in no event the said analytical work and reports by the State Chemical Laboratory exceed the actual cost to do such work; and provided that for the general operation and expenses of the Department of Agriculture and Industries and the State Board of Agriculture the following amounts of said sum are hereby appropriated per annum:

Salary of commissioner of agriculture and industries.....	\$4,000.00
Salary of chief clerk.....	2,750.00
Salary of assistant clerk.....	1,500.00
Salary of three stenographers.....	3,600.00
For printing fertilizer tags.....	5,000.00
For printing feed tax stamps.....	1,500.00
For contingent fund.....	3,000.00
Salary of supervisor of foods, feeds and drugs.....	2,750.00
Salary of four general inspectors.....	8,000.00
Traveling expenses of four general inspectors.....	6,400.00
Salary of supervisor of Markets Bureau.....	2,750.00
For traveling expenses of supervisors.....	300.00
For printing Markets Journal.....	2,400.00
For general administrative expenses of the State Board of Agriculture.....	5,000.00
For printing, including bulletins and other periodicals.....	5,000.00

Yeas, 68; Nays, 1.

Yeas:

Messrs:

Mr. Speaker	Byars	Ferrell	Henson
Adams	Calloway	Fite	Hodgson
Adcock	Cato	Glover	Holcombe
Ashcraft (Fayette)	Christian	Goode	Hornsby
Ashcraft (Lauderd'e)	Cook	Goodwyn	Howard
Bealle	Culver	Graves	Howze
Blackwell	Deloney	Grove	Jeter
Bowen, L. K.	Dowdle	Guy	Jones
Boykin	Elliott	Hatter	Kilborn
Burns	Embry	Hawkins	Lee
Burton	Fanning	Henley	Letson

Love	Nichols	Ringer	Stewart (Calhoun)
Luck	Odom	Rives	Tiller
McDaniel	Patterson	Sanders (Pike)	Wall
Melton	Pickens	Smith (Clay)	Walton
Mooneyham	Posey	Smith (Lee)	Ware
Moxley	Powell	Snodgrass	Young

—68

Nays:

Mr. Sollie—1.

BILLS ON THIRD READING.

H. 893. To abolish the office of justices of the peace and notary publics ex-officio justices of the peace in precinct 1, Autauga county, Alabama.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

*Yeas:**Messrs:*

Mr. Speaker	Elliott	Henley	Parker
Adams	Embry	Henson	Pickens
Adcock	Fanning	Jeter	Poole
Arrington	Ferrell	Jones	Posey
Bealle	Fite	Kilborn	Rives
Blackwell	Forman	Lee	St. John
Boykin	Gaines	Letson	Sessions
Burns	Glenn	Long	Snodgrass
Burton	Glover	Love	Sollie
Byars	Goode	Luck	Tiller
Cato	Graves	Melton	Wall
Cook	Grove	Moorer	Walton
Culver	Guy	Moxley	Ware
Dickinson	Hall	Nichols	Williams
Dowdle	Hatter	Odom	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 722 (with amendment). To provide for the election by the qualified voters in all counties of this State, having a population of over two hundred thousand, according to the last Federal census, or any subsequent Federal census, of each and every county official, whose salary, fee or compensation is fixed by legislative enactment at three thousand dollars or more per annum and paid in whole or in part out of the county funds of such counties, and to define the term "county official."

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend the title to the Act by inserting thirty-six hundred (\$3,600.00) dollars in lieu of three thousand (\$3,000.00) dollars. Amend section 1 of the Act by inserting thirty-six hundred

(\$3,600.00) dollars in lieu of three thousand dollars. Amend section 2 of the Act by inserting thirty-six hundred (\$3,600.00) dollars in lieu of three thousand dollars.

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Melton	Sessions
Adams	Forman	Moorer	Smith (Jefferson)
Adcock	Gaines	Moxley	Snodgrass
Arrington	Glenn	Nichols	Sollie
Bealle	Glover	Norman	Tiller
Blackwell	Goode	Odom	Tunstall
Bowen, Lewis	Goodwyn	Parker	Tyson
Bowen, L. K.	Hornsby	Pickens	Varner
Boykin	Howard	Poole	Verner
Burns	Howze	Posey	Walker
Burton	Lee	Powell	Wall
Byars	Letson	Ringer	Walton
Cato	Long	Rives	Ware
Fanning	Love	Rountree	Williams
Ferrell	Luck	St. John	Young

—60

And the bill:

H. 722. To provide for the election by the qualified voters in all counties of this State, having a population of over two hundred thousand, according to the last Federal census, or any subsequent Federal census, of each and every county official, whose salary, fee or compensation is fixed by legislative enactment at three thousand dollars or more per annum and paid in whole or in part out of the county funds of such counties, and to define the term "county official."

As amended was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Coleman	Grove	Smith (Jefferson)
Adams	Cook	Guv	Snodgrass
Adcock	Culver	Hall	Sollie
Arrington	Deloney	Hampton	Tiller
Bealle	Dickinson	Hatter	Tunstall
Blackwell	Fanning	Hawkins	Tyson
Bowen, Lewis	Ferrell	Henley	Varner
Bowen, L. K.	Fite	Henson	Verner
Boykin	Forman	Howze	Walker
Burns	Gaines	Letson	Wall
Burton	Glenn	Long	Walton
Byars	Glover	Love	Ware
Calloway	Goode	Luck	Mrs. Wilkins
Cato	Goodwyn	St. John	Williams
Christian	Graves	Sessions	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 860. To designate a certain public road of Alabama as a State trunk road and to provide for the location thereof and the manner in which said road shall be located, improved and maintained.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Goodwyn	Love
Adams	Deloney	Graves	Luck
Adcock	Dickinson	Grove	Moxley
Arrington	Dowdle	Guy	Nichols
Bealle	Dunwoody	Hall	Norman
Blackwell	Elliott	Hampton	Odom
Boykin	Embry	Hatter	Parker
Burns	Fanning	Hawkins	Patterson
Burton	Ferrell	Henley	Pickens
Byars	Fite	Henson	Poole
Calloway	Forman	Kilpatrick	Posey
Cato	Gaines	Lee	Powell
Christian	Glenn	LeMaistre	Ringer
Coleman	Glover	Letson	Rives
Cook	Goode	Long	Rountree

—60

H. 1050. To provide for the election of the county board of education of Chambers county, Alabama; to divide the county into districts from which shall be elected a member of such board by the electors of such district.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Goodwyn	Parker
Adams	Deloney	Graves	Patterson
Adcock	Dickinson	Grove	Pickens
Arrington	Dowdle	Guy	Poole
Bealle	Dunwoody	Hall	Posey
Blackwell	Elliott	Hampton	Powell
Boykin	Embry	Hatter	St. John
Burns	Fanning	Hawkins	Tunstall
Burton	Ferrell	Henley	Tyson
Byars	Fite	Henson	Varnier
Calloway	Forman	Moorer	Verner
Cato	Gaines	Moxley	Walker
Christian	Glenn	Nichols	Wall
Coleman	Glover	Norman	Walton
Cook	Goode	Odom	Ware

—60

H. 961. To repeal an Act entitled an Act "To provide for the improvement of the public roads and bridges of Tallapoosa county, Alabama," approved February 28, 1911.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Arrington

Bealle

Blackwell

Boykin

Burns

Burton

Byars

Calloway

Cato

Christian

Coleman

Cook

Culver

Fanning

Ferrell

Fite

Forman

Gaines

Glenn

Glover

Goode

Goodwyn

Graves

Grove

Guy

Hall

Hampton

Hatter

Hawkins

Henley

Henson

Hodgson

Holcombe

Hornsby

Howard

Howze

Hubbard

Jeter

Odom

Parker

Patterson

Pickens

Poole

Posey

Powell

Ringer

Rives

Rountree

Tiller

Tunstall

Tyson

Varner

Verner

Walker

Wall

Walton

Ware

—60

H. 700. To propose an amendment to the Constitution of Alabama permitting certain school districts in Lawrence county, Alabama, to levy and collect for school purposes a tax of five mills in addition to all taxes now authorized.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Arrington

Bealle

Blackwell

Boykin

Burns

Burton

Byars

Calloway

Cato

Christian

Coleman

Cook

Culver

Deloney

Fanning

Ferrell

Fite

Forman

Gaines

Glenn

Glover

Goode

Goodwyn

Graves

Grove

Guy

Hall

Hampton

Hatter

Hawkins

Henley

Henson

Hodgson

Letson

Long

Love

Luck

Moorer

Moxley

Nichols

Norman

Odom

Parker

Patterson

Pickens

Poole

Posey

Powell

Ringer

Rives

Tiller

Tunstall

Tyson

Varner

Verner

Walker

Wall

Walton

Ware

Mrs. Wilkins

Williams

Young

—65

H. 986. To require the county board of education of Conecuh county, Alabama, to publish the minutes of its proceedings at each regular, special and adjourned or called meeting in the

newspaper printed and published in said county having the largest number of bona fide subscribers; to require such board to designate such newspaper; to provide for furnishing copy to the publisher of such newspaper for publication; and to provide compensation out of the county treasury of said county for furnishing such copy and for publishing same.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Hawkins	Powell
Adams	Ferrell	Henley	Ringer
Adcock	Fite	Henson	Rives
Bealle	Forman	Hodgson	Rountree
Blackwell	Gaines	Holcombe	St. John
Boykin	Glenn	Moorer	Sanders (Conecuh)
Burns	Glover	Moxley	Tiller
Burton	Goode	Nichols	Tunstall
Byars	Goodwyn	Norman	Tyson
Calloway	Graves	Odom	Varner
Cato	Grove	Parker	Verner
Christian	Guy	Patterson	Walker
Coleman	Hall	Pickens	Wall
Cook	Hampton	Poole	Walton
Culver	Hatter	Posey	Ware

—60

H. 987. To create the office of county treasurer for Conecuh county, prescribe his duties, fix his compensation and how the same shall be paid, and to provide for his election to said office by the qualified voters of said county.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs.

Mr. Speaker	Ferrell	Henley	Powell
Adams	Fite	Henson	Ringer
Adcock	Forman	Hodgson	Rives
Boykin	Gaines	Holcombe	Rountree
Burns	Glenn	Hornsby	St. John
Burton	Glover	Moorer	Sanders (Conecuh)
Byars	Goode	Moxley	Tiller
Calloway	Goodwyn	Nichols	Tunstall
Cato	Graves	Norman	Tyson
Christian	Grove	Odom	Varner
Coleman	Guy	Parker	Verner
Cook	Hall	Patterson	Walker
Culver	Hampton	Pickens	Wall
Deloney	Hatter	Poole	Walton
Fanning	Hawkins	Posey	Ware

—60

H. 1048. To provide for the manner in which the fund derived from Crenshaw county's quota of the excise tax on gasoline shall be used in the construction, improvement and maintenance of the public roads and bridges of the county and of the several precincts therein and to provide a penalty for the violation of this Act.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdie	Guy	Nichols
Adams	Dunwoody	Hall	Norman
Adcock	Elliott	Hampton	Odom
Boykin	Embry	Hatter	Parker
Burns	Fanning	Hawkins	Patterson
Burton	Ferrell	Henley	Pickens
Byars	Fite	Henson	Tiller
Calloway	Forman	Hodgson	Tunstall
Cato	Gaines	Holcombe	Tyson
Christian	Glenn	Hornsby	Varner
Coleman	Glover	Howard	Verner
Cook	Goode	Howze	Walker
Culver	Goodwyn	Hubbard	Wall
Deloney	Graves	Moorer	Walton
Dickinson	Grove	Moxley	Ware

—60

H. 874. To legally confirm the local designation of Lake Bankhead, a part of the Warrior river.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Cook	Hampton	Pickens
Adams	Culver	Hatter	Poole
Adcock	Fanning	Hawkins	Posey
Bealle	Ferrell	Henley	Powell
Blackwell	Fite	Holcombe	Ringer
Bowen, Lewis	Forman	Hornsby	Rives
Bowen, L. K.	Gaines	Howard	Smith (Jefferson)
Boykin	Glenn	Howze	Tiller
Burns	Glover	Hubbard	Tunstall
Burton	Goode	Jeter	Tyson
Byars	Goodwyn	Nichols	Varner
Calloway	Graves	Norman	Verner
Cato	Grove	Odom	Walker
Christian	Guy	Parker	Wall
Coleman	Hall	Patterson	Walton

—60

H. 974. To provide for the working of all male inhabitants of Henry county, Alabama, between the ages of eighteen and

forty-five years, on the public roads of said county; to provide for the levy and collection of a per capita road tax upon such persons in lieu of such road service; to be used for the maintenance, upkeep, building and repair of such public roads; to prescribe the manner and means of raising or collecting such tax; to provide for and regulate the working, building, maintenance and upkeep of the public roads of said county; and to provide and fix penalties for the violation of the provisions of this Act.

Was taken up. Mr. Glover offered the following amendment to the bill:

Amend section 1 on line 23 by striking the words "probate judge" and adding in lieu thereof the words "county depository."

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Boykin	Embry	Hatter	Ringer
Burns	Fanning	Hawkins	Rives
Burton	Ferrell	Henley	Rountree
Byars	Fite	Henson	Tiller
Calloway	Forman	Hodgson	Tunstall
Cato	Gaines	Moxley	Tyson
Christian	Glenn	Nichols	Varner
Coleman	Glover	Norman	Verner
Cook	Goode	Odom	Walker
Culver	Goodwyn	Parker	Wall
Deloney	Graves	Patterson	Walton
Dickinson	Grove	Pickens	Ware
Dowdle	Guy	Poole	Mrs. Wilkins
Dunwoody	Hall	Posey	Williams
Elliott	Hampton	Powell	Young

—60

Mr. Glover offered the following amendment to the bill:

Amend section 3 on line 2 by striking the words "probate judge" and adding in lieu thereof the words "county depository."

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Boykin	Dickinson	Glover	Kilpatrick
Burns	Dowdle	Goode	Lee
Burton	Dunwoody	Goodwyn	LeMaistre
Byars	Elliott	Graves	Letson
Calloway	Embry	Grove	Long
Cato	Fanning	Guy	Love
Christian	Ferrell	Hall	Luck
Coleman	Fite	Hampton	McDaniel
Cook	Forman	Hatter	McGowen
Culver	Gaines	Hawkins	Melton
Deloney	Glenn	Henley	Mooneyham

Moorer	Tiller	Verner	Ware
Moxley	Tunstall	Walker	Mrs. Wilkins
Nichols	Tyson	Wall	Williams
Norman	Varner	Walton	Young

—60

Mr. Glover offered the following amendment to the bill:

Amend section 4 on line 4 by striking the words "probate judge" and adding in lieu thereof the words "court of county commissioners."

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:			
Mr. Speaker	Elliott	Hampton	Lee
Adams	Embry	Hatter	LeMaistre
Adcock	Fanning	Hawkins	Letson
Burton	Ferrell	Henley	Long
Byars	Fite	Henson	Love
Calloway	Forman	Hodgson	Luck
Cato	Gaines	Holcombe	Tiller
Christian	Glenn	Hornsby	Tunstall
Coleman	Glover	Howard	Tyson
Cook	Goode	Howze	Varner
Culver	Goodwyn	Hubbard	Verner
Deloney	Graves	Jeter	Walker
Dickinson	Grove	Jones	Wall
Dowdle	Guy	Kilborn	Walton
Dunwoody	Hall	Kilpatrick	Ware

—60

Mr. Glover offered the following amendment to the bill:

To further amend section 4 on line 6 by striking the words "probate judge" and adding in lieu thereof the words "court of county commissioners."

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:			
Cato	Gaines	Long	Poole
Christian	Glenn	Love	Posey
Coleman	Glover	Luck	Powell
Cook	Goode	McDaniel	Ringer
Culver	Goodwyn	McGowen	Rives
Deloney	Graves	Melton	Rountree
Dickinson	Grove	Mooneyham	Tiller
Dowdle	Guy	Moorer	Tunstall
Dunwoody	Hall	Moxley	Tyson
Elliott	Hampton	Nichols	Varner
Embry	Hatter	Norman	Verner
Fanning	Kilpatrick	Odom	Walker
Ferrell	Lee	Parker	Wall
Fite	LeMaistre	Patterson	Walton
Forman	Letson	Pickens	Ware

—60

Mr. Glover offered the following amendment to the bill:

To further amend section 4 on line 17 by striking the words "probate judge" and adding in lieu thereof the words "county depository."

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Guy	Mooneyham
Adams	Dunwoody	Hall	Moorer
Adcock	Elliott	Hampton	Moxley
Boykin	Embry	Hatter	Nichols
Burns	Fanning	Hawkins	Norman
Burton	Ferrell	Kilpatrick	Odom
Byars	Fite	Lee	Tiller
Calloway	Forman	LeMaistre	Tunstall
Cato	Gaines	Letson	Tyson
Christian	Glenn	Long	Varner
Coleman	Glover	Love	Verner
Cook	Goode	Luck	Walker
Culver	Goodwyn	McDaniel	Wall
Deloney	Graves	McGowen	Walton
Dickinson	Grove	Melton	Ware

—60

Mr. Glover offered the following amendment to the bill:

To amend section 12 on line 9 by striking the word "shall" and adding in lieu thereof the word "may."

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Guy	McGowen
Adams	Dunwoody	Hall	Melton
Adcock	Elliott	Hampton	Mooneyham
Boykin	Embry	Hatter	Moorer
Burns	Fanning	Hawkins	Moxley
Burton	Ferrell	Henley	Nichols
Byars	Fite	Henson	Tiller
Calloway	Forman	Kilpatrick	Tunstall
Cato	Gaines	Lee	Tyson
Christian	Glenn	LeMaistre	Varner
Coleman	Glover	Letson	Verner
Cook	Goode	Long	Walker
Culver	Goodwyn	Love	Wall
Deloney	Graves	Luck	Walton
Dickinson	Grove	McDaniel	Ware

—60

Mr. Glover offered the following amendment to the bill:

To further amend said Act by striking therefrom section 14; that section 15 be numbered 14; and that section 16 be numbered

15; that section 17 be numbered 16 and section 18 be numbered 17.

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Guy	Luck
Adams	Dunwoody	Hall	McDaniel
Adcock	Elliott	Hampton	McGowen
Boykin	Embry	Hatter	Melton
Burns	Fanning	Hawkins	Mooneyham
Burton	Ferrell	Henley	Moorer
Byars	Fite	Hanson	Moxley
Calloway	Forman	Hodgson	Nichols
Cato	Gaines	Holcombe	Tiller
Christian	Glenn	Kilpatrick	Tunstall
Coleman	Glover	Lee	Tyson
Cook	Goode	LeMaistre	Varner
Culver	Goodwyn	Letson	Verner
Deloney	Graves	Long	Walker
Dickinson	Grove	Love	Wall

—60

Mr. Glover offered the following amendment to the bill:

To further amend section 1 of said Act on line 24 by striking therefrom the word "him" and adding in lieu thereof the words "said depository."

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Guy	Mooneyham
Adams	Dunwoody	Hall	Moorer
Adcock	Elliott	Hampton	Moxley
Boykin	Embry	Hatter	Nichols
Burns	Fanning	Hawkins	Norman
Burton	Ferrell	Kilpatrick	Odom
Byars	Fite	Lee	Tiller
Calloway	Forman	LeMaistre	Tunstall
Cato	Gaines	Letson	Tyson
Christian	Glenn	Long	Varner
Coleman	Glover	Love	Verner
Cook	Goode	Luck	Walker
Culver	Goodwyn	McDaniel	Wall
Deloney	Graves	McGowen	Walton
Dickinson	Grove	Melton	Ware

—60

Mr. Glover offered the following amendment to the bill:

To further amend section 1 of said Act on line 26 by adding after the words "as above provided," the words "and shall take from said depository receipts for such amounts so turned over,

such receipts to be kept by them for use in making their partial and final settlements as in this Act provided."

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Elliott	Hampton	Odom
Adams	Embry	Hubbard	Parker
Burns	Fanning	Jeter	Patterson
Burton	Ferrell	Jones	Tiller
Byars	Fite	Kilborn	Tunstall
Calloway	Forman	Love	Tyson
Cato	Gaines	Luck	Varner
Christian	Glenn	McDaniel	Verner
Coleman	Glover	McGowen	Walker
Cook	Goode	Melton	Wall
Culver	Goodwyn	Mooneyham	Walton
Deloney	Graves	Moorer	Ware
Dickinson	Grove	Moxley	Mrs. Wilkins
Dowdle	Guy	Nichols	Williams
Dunwoody	Hall	Norman	Young

—60

And the bill:

H. 974. To provide for the working of all male inhabitants of Henry county, Alabama, between the ages of eighteen and forty-five years, on the public roads of said county; to provide for the levy and collection of a per capita road tax upon such persons in lieu of such road service; to be used for the maintenance, upkeep, building and repair of such public roads; to prescribe the manner and means of raising or collecting such tax; to provide for and regulate the working, building, maintenance and upkeep of the public roads of said county; and to provide and fix penalties for the violation of the provisions of this Act.

As amended, was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Hornsby	Posey
Adams	Forman	Howard	Powell
Adcock	Gaines	Howze	Ringer
Bealle	Glenn	Jeter	Rives
Boykin	Glover	Jones	Sollie
Burns	Goode	Kilborn	Tiller
Burton	Goodwyn	Lee	Tunstall
Byars	Graves	Letson	Tyson
Cook	Grove	Long	Varner
Culver	Guy	Love	Verner
Deloney	Hall	Luck	Walker
Dickinson	Henley	Moorer	Wall
Dowdle	Henson	Moxley	Walton
Dunwoody	Hodgson	Nichols	Ware
Elliott	Holcombe	Poole	Young

—60

H. 911. For the relief of Levi F. Clayton.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Local Legislation, said committee amendment being as follows:

Amend by striking \$75.00 and inserting in lieu thereof \$25.00.
And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Hornsby	Poole
Bealle	Forman	Howard	Posey
Bowen, Lewis	Gaines	Howze	Powell
Bowen, L. K.	Glenn	Jeter	Ringer
Boykin	Glover	Jones	Rives
Burns	Goode	Kilborn	Tyson
Burton	Goodwyn	Letson	Varnar
Byars	Graves	Long	Verner
Cato	Grove	Love	Walker
Cook	Guy	Luck	Wall
Culver	Hall	Moorer	Walton
Dowdle	Henley	Norman	Ware
Embry	Henson	Odom	Mrs. Wilkins
Fanning	Hodgson	Parker	Williams
Ferrell	Holcombe	Pickens	Young

—60

And the bill:

H. 911. For the relief of Levi F. Clayton.

As amended, was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Holcombe	Rives
Adams	Forman	Hornsby	St. John
Bowen, Lewis	Gaines	Howard	Sessions
Bowen, L. K.	Glenn	Howze	Tiller
Boykin	Glover	Jeter	Tunstall
Burns	Goode	Jones	Tyson
Burton	Grove	Long	Varnar
Byars	Guy	Love	Verner
Cook	Hall	Luck	Walker
Culver	Hampton	Moorer	Wall
Deloney	Hatter	Moxley	Walton
Dickinson	Hawkins	Poole	Ware
Dowdle	Henley	Posey	Mrs. Wilkins
Elliott	Henson	Powell	Williams
Embry	Hodgson	Ringer	Young

—60

S. 381. To empower municipal corporations having a population of 100,000 inhabitants, or more, according to the last or any subsequent Federal census, to provide for, regulate, and restrict the segregation of business, industrial and residential sections,

the height, number of stories, size of buildings and other structures, the percentage of lot that may be occupied, the distance of buildings from streets, alleys or other public ways, the distance between building, the density of population and the location and use of buildings, structures and land; to divide the municipality into zones or districts; to regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or lands within such zones or districts, and the housing or residence therein of the different classes of inhabitants; to provide for the creation of a zoning commission, and the power, jurisdiction and authority thereof; to provide for a board of zoning adjustment and define the authority, powers and functions of such board of zoning adjustment, its procedure and an appeal from its decisions; and to provide remedies for the enforcement of ordinances, resolutions or regulations made by such municipalities under the authority of this Act.

Was taken up. Mr. Lewis Bowen offered the following amendment to the bill:

Amend the first paragraph of section 7 of S. 381 so as to strike out the word "may" and insert in lieu thereof the word "shall" wherever the word "may" occurs in the first paragraph of said section 7 of said S. 381, so that said first paragraph of said section 7 shall read as follows:

"Section 7. Board of Adjustment. In the event any municipality avails itself of the powers conferred by this Act, its legislative body shall provide for the appointment of a board of adjustment, and in the regulations and restrictions adopted pursuant to the authority of this Act shall provide that the said board of adjustment shall in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent, and in accordance with general or specific rules therein contained."

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Calloway	Fite	Hubbard
Adams	Cato	Forman	Jeter
Adcock	Christian	Gaines	Jones
Ashcraft (Fayette)	Coleman	Glenn	Kilborn
Bealle	Cook	Glover	Letson
Blackwell	Culver	Goode	Melton
Bowen, Lewis	Deloney	Goodwyn	Moxley
Bowen, L. K.	Dickinson	Graves	Nichols
Boykin	Dowdle	Grove	Norman
Burns	Dunwoody	Guy	Odom
Burton	Elliott	Hall	Poole
Byars	Embry	Howze	Posey

Powell
Ringer
Rives

Varner
Verner
Walker

Wall
Walton
Ware

Mrs. Wilkins
Williams
Young

—60

And the bill:

S. 381. To empower municipal corporations having a population of 100,000 inhabitants, or more, according to the last or any subsequent Federal census, to provide for, regulate, and restrict the segregation of business, industrial and residential sections, the height, number of stories, size of buildings and other structures, the percentage of lot that may be occupied, the distance of buildings from streets, alleys or other public ways, the distance between building, the density of population and the location and use of buildings, structures and land; to divide the municipality into zones or districts; to regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or lands within such zones or districts, and the housing or residence therein of the different classes of inhabitants; to provide for the creation of a zoning commission, and the power, jurisdiction and authority thereof; to provide for a board of zoning adjustment and define the authority, powers and functions of such board of zoning adjustment, its procedure and an appeal from its decisions; and to provide remedies for the enforcement of ordinances, resolutions or regulations made by such municipalities under the authority of this Act.

As amended, was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker
Adams
Adcock
Arrington
Bowen, Lewis
Bowen, L. K.
Boykin
Burns
Burton
Byars
Cook
Culver
Deloney
Fite
Forman

Goode
Graves
Grove
Guy
Hall
Henley
Henson
Howard
Howze
Hubbard
Jeter
Jones
Kilborn
Kilpatrick
Lee

Letson
Long
Love
Luck
Melton
Mooneyham
Moorer
Moxley
Nichols
Norman
Odom
Parker
Patterson
Pickens
Poole

Posey
Powell
Ringer
Rives
Rountree
St. John
Tiller
Tyson
Varner
Verner
Walker
Wall
Walton
Ware
Young

—60

H. 916. To authorize municipalities of this State to assess the whole or any part of the cost of erecting sea walls, breakwaters, or other means of preventing damage from waves, waters, or floods, against any real estate in said municipality benefited thereby, in proportion to the benefits so occasioned and

make provision for such improvement; provided that the period over which any assessment is to be paid shall not exceed thirty years; and provided that the amount of the assessment shall not exceed the increase in value by reason of the special benefits resulting from such improvement to the property against which such assessment is made.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Municipal Organization, said committee amendment being as follows:

Amend the caption of House bill 916 by adding thereto the following:

"And to provide for an election to be held for the purpose of submitting to the qualified electors of municipalities the question of whether or not such improvements shall be made."

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Forman	Holcombe	Norman
Adams	Gaines	Howard	Odom
Adcock	Glenn	Howze	Parker
Bealle	Glover	Hubbard	Rives
Boykin	Goode	Jeter	Rountree
Burns	Graves	Jones	Tiller
Burton	Grove	Kilborn	Tunstall
Byars	Guy	Letson	Tyson
Cook	Hall	Long	Varnier
Culver	Hampton	Love	Verner
Dowdle	Hatter	Luck	Walker
Dunwoody	Hawkins	McDaniel	Wall
Elliott	Henley	McGowen	Walton
Embry	Henson	Melton	Ware
Fite	Hodgson	Nichols	Young

—60

Mr. Holcombe offered the following amendment to the bill:

Amend House bill 916 by adding section 3 as follows:

Section 3. No ordinance shall be adopted, however, by the governing body of any municipality providing for the erection of any sea wall, breakwater, or other means of preventing damage from waves, waters or floods, unless and until the question of whether or not such ordinance shall be adopted shall have first been submitted to the qualified electors of such municipality at an election called and held for the purpose of considering and voting upon the question of whether or not such ordinance shall be adopted, and until the majority of such qualified electors voting at such election shall at such election have voted in favor of the adoption of such ordinance.

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:**Messrs:**

Cato	Goode	Letson	St. John
Christian	Goodwyn	Long	Snodgrass
Coleman	Graves	Love	Sollie
Cook	Grove	Luck	Tiller
Culver	Guy	Norman	Tunstall
Deloney	Hall	Odom	Tyson
Dickinson	Holcombe	Parker	Varner
Dowdle	Hornsby	Patterson	Verner
Dunwoody	Howard	Pickens	Walker
Elliott	Howze	Poole	Wall
Embry	Hubbard	Posey	Walton
Forman	Jeter	Powell	Ware
Gaines	Jones	Ringer	Mrs. Wilkins
Glenn	Kilborn	Rives	Williams
Glover	Lee	Rountree	Young

—60

And the bill:

H. 916. To authorize municipalities of this State to assess the whole or any part of the cost of erecting sea walls, breakwaters, or other means of preventing damage from waves, waters, or floods, against any real estate in said municipality benefited thereby, in proportion to the benefits so occasioned and make provision for such improvement; provided that the period over which any assessment is to be paid shall not exceed thirty years; and provided that the amount of the assessment shall not exceed the increase in value by reason of the special benefits resulting from such improvement to the property against which such assessment is made.

As amended, was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:**Messrs:**

Mr. Speaker	Dickinson	Hatter	Moxley
Adams	Dowdle	Henley	Nichols
Adcock	Dunwoody	Hodgson	Powell
Bealle	Elliott	Holcombe	Ringer
Boykin	Embry	Howze	Rives
Burns	Fite	Hubbard	Tyson
Burton	Forman	Jeter	Varner
Byars	Gaines	Jones	Verner
Calloway	Glenn	Kilborn	Walker
Cato	Glover	Lee	Wall
Christian	Goode	Letson	Walton
Coleman	Goodwyn	Long	Ware
Cook	Graves	Love	Mrs. Wilkins
Culver	Guy	Luck	Williams
Deloney	Hall	Moorer	Young

—60

H. 1049. To repeal an Act entitled "An Act to incorporate the town of Pickens in Pickens county," and approved January 7, 1826.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Hawkins	Powell
Adams	Ferrell	Henley	Ringer
Adcock	Fite	Henson	Rives
Allen	Forman	Hodgson	Rountree
Bealle	Gaines	Jeter	Sessions
Boykin	Glenn	Jones	Snodgrass
Burns	Glover	Kilborn	Sollie
Burton	Goode	Lee	Tiller
Byars	Goodwyn	Letson	Tunstall
Cato	Graves	Long	Tyson
Cook	Grove	Love	Varner
Culver	Guy	Luck	Verner
Dowdle	Hall	Melton	Walker
Elliott	Hampton	Poole	Wall
Embry	Hatter	Posey	Young

—60

S. 171. For the promotion of medical science by the distribution and use of unclaimed dead human bodies for scientific study through a board created for that purpose.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Guy	Lee	Ringer
Adams	Hall	Letson	Rives
Adcock	Hatter	Long	Sessions
Bealle	Hawkins	Love	Sollie
Deloney	Henley	Luck	Tiller
Dickinson	Henson	Moorer	Tunstall
Dowdle	Hodgson	Moxley	Tyson
Fanning	Holcombe	Nichols	Varner
Ferrell	Hornsby	Norman	Verner
Fite	Howard	Odom	Walker
Forman	Howze	Parker	Wall
Gaines	Hubbard	Pickens	Walton
Glenn	Jeter	Poole	Ware
Glover	Jones	Posey	Williams
Grove	Kilborn	Powell	Young

—60

H. 921. To provide for the prosecution of all cases appealed from the police or recorder's court of cities to the circuit court in counties having a population of two hundred thousand or more, according to the last or any subsequent Federal census.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Goode	Love	Rives
Adams	Grove	Luck	Rountree
Adcock	Guy	McDaniel	Smith (Jefferson)
Bealle	Hall	McGowen	Smith (Lee)
Bowen, Lewis	Henley	Melton	Snodgrass
Bowen, L. K.	Henson	Moorer	Sollie
Boykin	Hodgson	Moxley	Tiller
Burns	Hornsby	Nichols	Tunstall
Burton	Howard	Norman	Tyson
Byars	Howze	Odom	Varner
Dowdle	Hubbard	Parker	Verner
Dunwoody	Jeter	Pickens	Walker
Elliott	Jones	Peole	Wall
Embry	Letson	Posey	Ware
Fite	Long	Powell	Young

—60

Mr. Lewis Bowen moved to reconsider the vote by which the bill was passed. The motion prevailed and the third reading and passage was reconsidered.

H. 685. To prescribe the duties and fix the compensation of the deputy solicitor for Walker county, Alabama, and to repeal all laws and parts of laws in conflict with this Act.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Howze	Poole
Adams	Fite	Hubbard	Posey
Adcock	Forman	Jeter	Powell
Cato	Gaines	Jones	Ringer
Christian	Glenn	Kilborn	Rives
Coleman	Glover	Letson	Tiller
Cook	Goode	Long	Tunstall
Culver	Goodwyn	Love	Tyson
Deloney	Graves	Luck	Varner
Dickinson	Grove	Moorer	Verner
Dowdle	Guy	Moxley	Walker
Dunwoody	Hall	Nichols	Wall
Elliott	Henson	Norman	Walton
Embry	Hodgson	Odom	Ware
Fanning	Howard	Parker	Young

—60

H. 805. To submit to the qualified electors of the State at the general election to be held in November, 1924, an amendment to the Constitution for the purpose of authorizing Walker county, Alabama, to levy and collect a special road tax not exceeding fifty cents on each one hundred dollars worth of taxable property in said county, under such regulations as the Legislature may have prescribed or may hereafter prescribe.

Was read a third time at length and passed.
Yeas, 70; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Graves	Letson	Posey
Adams	Grove	Long	Powell
Adcock	Guy	Love	Ringer
Cato	Hall	Luck	Rives
Christian	Hampton	McDaniel	Rountree
Coleman	Hatter	McGowen	Rutherford
Cook	Hawkins	Melton	Snodgrass
Culver	Henley	Mooneyham	Sollie
Deloney	Henson	Moorer	Tiller
Elliott	Hodgson	Moxley	Tunstall
Embry	Holcombe	Nichols	Tyson
Fanning	Hornsby	Norman	Varner
Forman	Howard	Odom	Verner
Gaines	Howze	Parker	Walker
Glenn	Hubbard	Patterson	Wall
Glover	Jeter	Pickens	Walton
Goode	Jones	Poole	Young
Goodwyn	Kilborn		

—70

H. 1036. To authorize and provide for the payment of the sum of two thousand five hundred (\$2,500.00) dollars for the relief of Odell Garrison, of Jefferson county, who was injured on the 31st day of December, 1920, while in line of duty with the National Guard of Alabama.

Was read a third time at length and passed.

Yeas, 54; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Jones	Rives
Adams	Embry	Kilborn	St. John
Ashcraft (Fayette)	Fanning	Letson	Sanders (Conecuh)
Ashcraft (Lauderd ^l)	Ferrell	Luck	Sanders (Pike)
Bealle	Glover	McDaniel	Smith (Clay)
Bowen, L. K.	Goode	McGowen	Smith (Lee)
Boykin	Goodwyn	Mooneyham	Snodgrass
Burns	Grove	Nichols	Stewart (Bibb)
Calloway	Hall	Odom	Stewart (Calhoun)
Coleman	Henley	Parker	Tiller
Cook	Henson	Patterson	Walker
Culver	Hodgson	Pickens	Walton
Dickinson	Howze	Posey	Ware
Dowdle	Jeter		

—54

H. 95. To authorize boards of county commissioners, boards of revenue, or other like governing bodies of counties in Alabama to purchase or condemn road building and maintenance material, and rights-of-way for roads to and from such material.

Was read a third time at length and passed.

Yeas, 61; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Elliott	Hornsby	Patterson
Adams	Embry	Howze	Poole
Adcock	Fanning	Jeter	Fosey
Ashcraft (Fayette)	Ferrell	Jones	Powell
Ashcraft (Lauderdl.)	Glover	Kilborn	Ringer
Bealle	Goode	Letson	Rives
Blackwell	Goodwyn	Love	St. John
Boykin	Graves	Luck	Sanders (Pike)
Burns	Grove	McDaniel	Smith (Lee)
Burton	Hatter	McGowen	Sollie
Byars	Hawkins	Mooneyham	Stewart (Calhoun)
Calloway	Hanley	Moxley	Thompson (Jackson)
Cook	Henson	Nichols	Walker
Culver	Hodgson	Odom	Walton
Deloney	Holcombe	Parker	Ware
Dowdle			

—61

H. 889 (with substitute). To require all persons or corporations operating a railroad in the State of Alabama to construct and maintain good and sufficient crossings on all streets or public crossings in this State and for the construction of new underpasses and new over-passes where any such railroad intersects public roads or streets within this State, and to prorate the expense between the person, firm or corporation operating any such railroad in the State of Alabama, and the county and municipalities affected; to confer power upon the State Highway Department, the various boards of revenue or county commissioners, and the various governing bodies in the different municipalities in this State, to carry the provisions of this Act into effect.

Was taken up. Mr. Rives moved to indefinitely postpone the bill and substitute reported by the Standing Committee on Corporations. The motion prevailed and the bill and substitute were indefinitely postponed.

Yeas, 44; Nays, 27.

Yeas:

Messrs:

Adcock	Culver	Howard	Smith (Clay)
Ashcraft (Lauderdl.)	Deloney	Howze	Smith (Jefferson)
Bealle	Elliott	Jeter	Smith (Lee)
Blackwell	Fanning	Letson	Snodgrass
Bowen, Lewis	Fite	Love	Sollie
Boykin	Forman	Mooneyham	Stewart (Bibb)
Burns	Gaines	Moxley	Thompson (Jackson)
Burton	Hall	Powell	Tiller
Byars	Hawkins	Rives	Tyson
Coleman	Henley	Sanders (Conecuh)	Walton
Cook	Hodgson	Sanders (Pike)	Ware

—44

Nays:

Messrs:

Mr. Speaker	Glover	Hornsby	Posey
Adams	Goode	Jones	St. John
Calloway	Goodwyn	Kilborn	Stewart (Calhoun)
Dickinson	Grove	Long	Tunstall
Dunwoody	Guy	Parker	Walker
Embry	Henson	Patterson	Williams
Ferrell	Holcombe	Poole	

—27

H. 673 (with amendment). To amend section 3, section 4, section 5, section 7, section 11 and section 12 of an Act entitled "An Act authorizing and regulating certain classes of indemnity contracts, empowering corporations to make such contracts, and fixing certain fees and penalties for violation thereof, approved August 25, 1915."

Was on motion of Mr. Kilborn indefinitely postponed.

H. 958. To repeal an Act entitled an Act: "To prevent the spread of tuberculosis by the creation of a tuberculosis commission, to provide for its organization and work, and to authorize the erection and maintenance of local hospitals under its supervision," approved September 22, 1915.

Was read a third time at length and passed.

Yeas, 55; Nays, 6.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Holcombe	St. John
Adams	Elliott	Hornsby	Sanders (Coneuh)
Adeock	Embry	Jones	Sanders (Pike)
Ashcraft (Lauderd ¹)	Fanning	Kilborn	Smith (Clay)
Bealle	Ferrell	Letson	Snodgrass
Bowen, L. K.	Fite	Long	Stewart (Bibb)
Boykin	Gaines	McDaniel	Stewart (Calhoun)
Burns	Goode	McGowen	Tiller
Burton	Goodwyn	Mooneyham	Tyson
Calloway	Grove	Moxley	Walker
Cook	Hall	Odom	Wall
Culver	Hatter	Pickens	Walton
Deloney	Henley	Poole	Ware
Dowdle	Henson	Powell	

—55

Nays:

Messrs:

Bowen, Lewis	Jeter	Posey	Rives
Howze	Patterson		

—6

H. 489. To amend subdivision two of section 4505 of the Code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Howard	Poole
Adams	Embry	Howze	Posey
Adcock	Fanning	Jeter	Powell
Ashcraft (Fayette)	Ferrell	Jones	Rives
Ashcraft (Lauderdl.)	Forman	Kilborn	St. John
Bealle	Gaines	Kilpatrick	Sanders (Conecuh)
Bowen, L. K.	Goode	Letson	Smith (Clay)
Boykin	Goodwyn	Long	Smith (Lee)
Burns	Graves	Luck	Snodgrass
Burton	Grove	McDaniel	Stewart (Calhoun)
Calloway	Hawkins	McGowen	Thompson (Jackson)
Cook	Henson	Mooneyham	Tiller
Culver	Hodgson	Moxley	Walker
Deloney	Holcombe	Odom	Wall
Dowdle	Hornsby	Patterson	Walton

—60

H. 748. To amend section 1 of article 3 of an Act entitled "An Act to provide a complete educational system for the State of Alabama * * *," approved September 26, 1919.

Was read a third time at length and passed.

Yeas, 52; Nays, 4.

Yeas:

Messrs:

Mr. Speaker	Culver	Hodgson	Rives
Adams	Dowdle	Jones	Sanders (Pike)
Adcock	Embry	Kilpatrick	Smith (Clay)
Ashcraft (Fayette)	Fanning	Long	Smith (Lee)
Ashcraft (Lauderdl.)	Ferrell	Luck	Stewart (Bibb)
Bealle	Forman	McGowen	Stewart (Calhoun)
Blackwell	Glover	Mooneyham	Thompson (Jackson)
Bowen, Lewis	Goode	Moxley	Tiller
Bowen, L. K.	Goodwyn	Odom	Tyson
Boykin	Graves	Parker	Walker
Burns	Hatter	Patterson	Walton
Burton	Henley	Posey	Ware
Cook	Henson	Powell	Williams

—52

Nays:

Messrs:

Hampton	Jeter	Letson	Love
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—4

H. 613. In reference to the Alabama School of Trades and Industry; to give the trustees of said school authority to select the location for said school; to extend the terms of the trustees of said school and to provide for its future management and control.

Was taken up. Mr. Embry offered the following substitute for the bill:

Substitute by Mr. Embry, H. 613:

A BILL

To be entitled An Act in reference to the Alabama School of Trades and Industries; to give the trustees of said school authority to change the location for said school; to provide for the refunding of certain monies heretofore subscribed for the use of said school; and to extend the terms of the trustees of such school and to provide for its future management and control.

Be it enacted by the Legislature of Alabama:

Section 1. That the board of trustees or board of control of the Alabama School of Trades and Industries shall have authority before the erection of any building or buildings of said school to select another location for said school than Ragland, Alabama, if in the opinion of said board of trustees or board of control such other location is more suitable for such school; provided, however, that no change shall be made for the location of said school unless all persons residing in St. Clair county, Alabama, have first been refunded all money heretofore paid or donated by them for the use of said school, with interest thereon from date of such payment.

Section 2. That the terms of the members of the present board of trustees or board of control of the Alabama School of Trades and Industries, are hereby extended until September 30, 1927, after which said date the entire management and control of said school shall be vested in the State Board of Education.

And the substitute was adopted.

Yeas, 58; Nays, 1.

Yeas:

Messrs:

Adams	Embry	Jones	Ringer
Ashcraft (Fayette)	Fanning	Kilborn	Rives
Ashcraft (Lauderdl.)	Ferrell	Kilpatrick	St. John
Bealle	Glover	Letson	Sanders (Pike)
Bowen, Lewis	Goode	Luck	Smith (Clay)
Bowen, L. K.	Goodwyn	McDaniel	Smith (Lee)
Boykin	Grove	McGowen	Sollie
Burns	Hall	Melton	Stewart (Calhoûn)
Burton	Hatter	Moorer	Thompson (Jackson)
Cato	Hawkins	Odom	Tiller
Coleman	Hodgson	Parker	Tunstall
Cook	Holcombe	Patterson	Walker
Culver	Hornsby	Pickens	Walton
Deloney	Howard	Posey	Ware
Elliott	Jeter		

—58

Nays:

Mr. Henson—1.

And the bill:

H. 613. In reference to the Alabama School of Trades and Industry; to give the trustees of said school authority to select

the location for said school; to extend the terms of the trustees of said school and to provide for its future management and control.

As amended by the substitute, was read a third time at length and passed.

Yeas, 66; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Holcombe	Powell
Adams	Dowdle	Hornsby	Ringer
Adcock	Elliott	Howard	Rives
Ashcraft (Fayette)	Embry	Jeter	St. John
Ashcraft (Lauderdl.)	Fanning	Jones	Sanders (Conecuh)
Bealle	Ferrell	Letson	Sanders (Pike)
Blackwell	Gaines	Luck	Smith (Clay)
Bowen, Lewis	Glover	McGowen	Smith (Lee)
Bowen, L. K.	Goode	Melton	Sollie
Boykin	Goodwyn	Mooneyham	Stewart (Bibb)
Burns	Grove	Moorer	Stewart (Calhoun)
Burton	Hall	Moxley	Thompson (Jackson)
Calloway	Hatter	Odom	Tunstall
Cato	Hawkins	Parker	Walker
Coleman	Henley	Patterson	Walton
Cook	Henson	Poole	Ware
Culver	Hodgson		

—66

H. 906. To appropriate funds for the assembling and binding of newspapers in the files of the Department of Archives and History.

Was read a third time at length and passed.

Yeas, 49; Nays, 5.

Yeas:

Messrs:

Adams	Embry	Holcombe	Posey
Adcock	Fanning	Hornsby	Powell
Ashcraft (Fayette)	Ferrell	Howard	Rives
Ashcraft (Lauderdl.)	Gaines	Jones	Sanders (Pike)
Bealle	Glenn	Letson	Smith (Clay)
Bowen, Lewis	Goode	Luck	Stewart (Bibb)
Bowen, L. K.	Goodwyn	McGowen	Stewart (Calhoun)
Boykin	Grove	Mooneyham	Tunstall
Burns	Hatter	Moorer	Tyson
Burton	Henley	Moxley	Walker
Cato	Henson	Odom	Walton
Cook	Hodgson	Patterson	Ware
Dowdle			

—49

Nays:

Messrs:

Coleman	Dunwoody	Jeter	Smith (Lee)
Culver			

—5

H. 313. To regulate child-placing, and to provide for the licensing, visitation, supervision, inspection and regulation of

agencies and institutions within the State of Alabama that are engaged in the business of receiving and caring for children or of placing them or boarding them in private homes.

Was read a third time at length and passed.

Yeas, 49; Nays, 6.

Yeas:

Messrs:

Adams	Elliott	Howard	Sanders (Concuh)
Adcock	Embry	Jeter	Sanders (Pike)
Ashcraft (Lauderd ^l)	Fanning	Jones	Snodgrass
Bealle	Ferrell	Letson	Sollie
Bowen, Lewis	Gaines	McGowen	Stewart (Bibb)
Bowen, L. K.	Glenn	Mooneyham	Stewart (Calhoun)
Boykin	Goode	Moxley	Thompson (Jackson)
Burns	Goodwyn	Odom	Tunstall
Cato	Hatter	Patterson	Tyson
Culver	Henley	Pickens	Walker
Deloney	Holcombe	Rives	Walton
Dowdle	Hornsby	St. John	Ware
Dunwoody			

—49

Messrs:

Nays:

Burton	Coleman	Grove	Henson
Byars	Cook		

—6

H. 314. To define maternity hospitals and to provide for the licensing, regulation and supervision of such hospitals.

Was read a third time at length and passed.

Yeas, 61; Nays, 1.

Yeas:

Messrs:

Adams	Fanning	Howze	Rives
Adcock	Ferrell	Jeter	Sanders (Concuh)
Ashcraft (Lauderd ^l)	Glenn	Jones	Sanders (Pike)
Bealle	Glover	Kilborn	Smith (Clay)
Bowen, Lewis	Goode	Kilpatrick	Smith (Lee)
Bowen, L. K.	Goodwyn	Letson	Snodgrass
Boykin	Graves	McDaniel	Sollie
Burns	Guy	McGowen	Stewart (Bibb)
Cato	Hatter	Mooneyham	Stewart (Calhoun)
Cook	Henley	Moorer	Thompson (Jackson)
Culver	Henson	Moxley	Tunstall
Deloney	Hodgson	Patterson	Walker
Dowdle	Holcombe	Pickens	Wall
Dunwoody	Hornsby	Posey	Walton
Elliott	Howard	Powell	Ware
Embry			

—61

Nays:

Mr. Grove—1.

H. 288. To repeal an Act to prescribe a limitation for the bringing of suits for the recovery of personal property or the

value thereof or damages for the conversion thereof where the title is founded on a mortgage or conditional sale.

Was taken up. Mr. St. John moved to indefinitely postpone the bill, and the motion was lost.

And the bill:

H. 288. To repeal an Act to prescribe a limitation for the bringing of suits for the recovery of personal property or the value thereof or damages for the conversion thereof where the title is founded on a mortgage or conditional sale.

Was read a third time at length and passed.

Yeas, 44; Nays, 18.

Yeas:

Messrs:

Mr. Speaker	Cato	Goodwyn	Mooneyham
Adams	Cook	Grove	Odom
Adcock	Culver	Hall	Pickens
Ashcraft (Fayette)	Dowdle	Hawkins	Posey
Ashcraft (Lauderdl.)	Embry	Henley	Smith (Clay)
Blackwell	Fanning	Hodgson	Smith (Jefferson)
Bowen, L. K.	Ferrell	Holcombe	Stewart (Calhoun)
Boykin	Fite	Hornsby	Tiller
Burns	Glenn	Howard	Walker
Burton	Glover	Jones	Walton
Byars	Goode	Kilborn	Ware

—44

Nays:

Messrs:

Bealle	Hatter	Luck	St. John
Bowen, Lewis	Henson	McDaniel	Sanders (Pike)
Deloney	Howze	Moxley	Smith (Lee)
Elliott	Jeter	Patterson	Tunstall
Ebry	Letson		

—18

H. 912. To make an appropriation to the State Board of Education to be used for the purpose of erecting, repairing and equipping buildings at the State secondary agricultural schools and for matching contributions made for such purposes.

Was taken up. Mr. Howard offered the following substitute for the bill:

Substitute for H. 912, by Mr. Howard:

A BILL

To be entitled An Act to make an appropriation to the State Board of Education to be used for the purpose of erecting, repairing and equipping buildings at the State secondary agricultural schools and for matching contributions made for such purposes.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated annually to the State Board of Education the sum of \$125,000.00 to be used

for the purpose of erecting, repairing and equipping at the State secondary agricultural schools and for matching contributions made for such purpose.

Section 2. That whenever contributions are made to the State of Alabama for the purpose of erecting, repairing and equipping a building or buildings at any State secondary agricultural school the State Board of Education is authorized and directed to contribute a like amount from this appropriation, not to exceed \$50,000.00 to any one institution. Such contributions may consist of money, real, personal or mixed property. In the event such contributions consist of property other than money, the value of same shall be determined by appraisement by the State Board of Education.

Section 3. That the provisions of this Act shall be effective when the condition of the treasury will warrant in the discretion of the Governor.

Section 4. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Mr. Long moved to indefinitely postpone the bill and substitute offered by Mr. Howard.

And the motion to indefinitely postpone was lost.

And the substitute offered by Mr. Howard was adopted.

Yeas, 43; Nays, 21.

Yeas:

Messrs:

Adams	Ferrell	Kilpatrick	St. John
Ashcraft (Lauderdt'e)	Glenn	Letson	Smith (Clay)
Bealle	Glover	Luck	Smith (Jefferson)
Bowen, Lewis	Goode	McGowen	Smith (Lee)
Bowen, L. K.	Goodwyn	Moorer	Snodgrass
Boykin	Grove	Odom	Stewart (Calhoun)
Burns	Hodgson	Patterson	Tunstall
Dowdle	Holcombe	Pickens	Tyson
Dunwoody	Hornsby	Posey	Walker
Embry	Howard	Powell	Wall
Fanning	Kilborn	Rives	

—43

Nays:

Messrs:

Adcock	Elliott	Jeter	Moxley
Blackwell	Forman	Jones	Sanders (Conecuh)
Burton	Hatter	Long	Sanders (Pike)
Byars	Henson	Love	Sollie
Cook	Howze	Mooneyham	Tiller
Deloney			

21

And the bill:

H. 912. To make an appropriation to the State Board of Education to be used for the purpose of erecting, repairing and equipping buildings at the State secondary agricultural schools and for matching contributions made for such purposes.

Was read a third time at length and passed.
Yeas, 50; Nays, 15.

Yeas:

Messrs:

Mr. Speaker	Fanning	Howze	Posey
Adams	Ferrell	Jones	Powell
Ashcraft (Lauderdl.)	Forman	Kilborn	Rives
Bealle	Glenn	Kilpatrick	Smith (Clay)
Bowen, Lewis	Goode	Letson	Smith (Jefferson)
Bowen, L. K.	Goodwyn	Luck	Smith (Lee)
Boykin	Graves	McGowen	Snodgrass
Burns	Grove	Mooneyham	Stewart (Calhoun)
Cato	Hall	Moorer	Tunstall
Deloney	Hodgson	Odum	Tyson
Dowdle	Holcombe	Patterson	Walker
Dunwoody	Hornsby	Pickens	Wall
Embry	Howard		

—50

Nays:

Messrs:

Adcock	Cook	Love	Sollie
Blackwell	Henson	Moxley	Stewart (Bibb)
Burton	Jeter	Sanders (Conecuh)	Tiller
Byars	Long	Sanders (Pike)	

—15

H. 827. To amend subdivision (3) of section 3481 of the Code of Alabama of 1907.

Was read a third time at length and passed.
Yeas, 39; Nays, 20.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Hornsby	Pickens
Adams	Fite	Howard	Smith (Clay)
Bowen, Lewis	Forman	Howze	Smith (Jefferson)
Burton	Glover	Jones	Smith (Lee)
Cato	Goode	Kilborn	Stewart (Calhoun)
Dowdle	Goodwyn	Kilpatrick	Thompson (Jackson)
Dunwoody	Grove	McGowen	Tunstall
Elliott	Hatter	Mooneyham	Walker
Embry	Hodgson	Moorer	Wall
Fanning	Holcombe	Odum	

—39

Nays:

Messrs:

Ashcraft (Lauderdl.)	Byars	Henson	Powell
Bealle	Cook	Jeter	Rives
Bowen, L. K.	Culver	Letson	Sanders (Pike)
Boykin	Deloney	Moxley	Tiller
Burns	Glenn	Patterson	Ware

—20

H. 751. To amend section 1 of article 5 of an Act entitled "An Act to provide a complete educational system for the State of Alabama * * *," approved September 26, 1919.

Was taken up. Mr. Lewis Bowen offered the following amendment to the bill:

Amend Sec. 1 of H. 751, by inserting immediately after the word "indirectly," in line three (3), on page 2, the following: "and any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten (\$10.00) dollars, and not more than one hundred (\$100.00) dollars.

And the amendment was adopted.

Yeas, 55; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Hornsby	Sanders (Pike)
Adams	Dowdle	Howze	Smith (Clay)
Adcock	Dunwoody	Jeter	Smith (Lee)
Ashcraft (Lauderd'e)	Elliott	Jones	Snodgrass
Bealle	Embry	Kilborn	Sollie
Blackwell	Fanning	Letson	Stewart (Bibb)
Bowen, Lewis	Ferrell	Long	Stewart (Calhoun)
Bowen, L. K.	Forman	Love	Thompson (Jackson)
Boykin	Gaines	Luck	Tiller
Burns	Goode	Mooneyham	Walker
Burton	Goodwyn	Moorer	Wall
Byars	Grove	Patterson	Walton
Cato	Henson	Rives	Ware
Culver	Holcombe	St. John	

—55

Mr. Cato offered the following amendment to the bill:

Amend House bill 751 by adding the following to section 1 thereof:

In counties now having seven members of the board of revenue, who are elected from revenue districts, there shall be one member of the county board of education from each board of revenue district for such county. In revenue districts now having no representation upon the county board of education, there shall be elected at the next general election held in this State a member of the county board of education to represent the revenue district not now represented, who shall hold office for six years, and until their successors are elected and qualified. The Governor shall upon the approval of this Act, appoint a member of the county board of education for each board of revenue district in each county having more than five revenue districts, who shall hold office until their successors are elected and qualified.

And the amendment was adopted.

Yeas, 59; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ashcraft (Lauderd'e)	Bowen, Lewis	Burns
Adams	Bealle	Bowen, L. K.	Burton
Adcock	Blackwell	Boykin	Byars

Cato	Goode	Kilborn	St. John
Cook	Goodwyn	Letson	Sanders (Pike)
Culver	Grove	Long	Smith (Jefferson)
Deloney	Guy	Luck	Smith (Lee)
Elliott	Hatter	McGowen	Snodgrass
Embry	Henson	Mooneyham	Sollie
Fanning	Hodgson	Moorer	Stewart (Bibb)
Ferrell	Helcombe	Moxley	Stewart (Calhoun)
Fite	Hornsby	Patterson	Tiller
Forman	Howze	Posey	Walker
Glenn	Jeter	Powell	Ware
Glover	Jones	Rives	

—59

And the bill:

H. 751. To amend section 1 of article 5 of an Act entitled "An Act to provide a complete educational system for the State of Alabama * * *," approved September 26, 1919.

As amended, was read a third time at length and passed.

Yeas, 58; Nays, 1.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Howard	Rives
Adams	Dunwoody	Howze	St. John
Adcock	Elliott	Jeter	Sanders (Pike)
Ashcraft (Lauderd ¹)	Embry	Jones	Smith (Clay)
Bealle	Fanning	Kilborn	Smith (Lee)
Blackwell	Forman	Letson	Snodgrass
Bowen, Lewis	Goode	Luck	Sollie
Bowen, L. K.	Goodwyn	McGowen	Stewart (Bibb)
Boykin	Grove	Mooneyham	Stewart (Calhoun)
Burns	Guy	Moorer	Thompson (Jackson)
Burton	Hatter	Moxley	Tiller
Cato	Henson	Odom	Walker
Cook	Hodgson	Patterson	Walton
Culver	Holcombe	Powell	Ware
Deloney	Hornsby		

—58

Nays:

Mr. Glover—1.

H. 881. To amend section 86 A of "An Act in reference to and to further provide for the general revenue of the State of Alabama," approved August 23, 1923.

Was taken up. Mr. Long moved to indefinitely postpone the bill and the motion was lost, and the bill:

H. 881. To amend section 86 A of "An Act in reference to and to further provide for the general revenue of the State of Alabama," approved August 23, 1923.

Was read a third time at length and passed.

Yeas, 34; Nays, 29.

Yeas:**Messrs:**

Mr. Speaker	Glenn	Kilborn	Smith (Jefferson)
Ashcraft (Lauderd ¹)	Goode	McGowen	Smith (Lee)
Bealle	Goodwyn	Moorer	Snodgrass
Bowen, L. K.	Grove	Patterson	Stewart (Calhoun)
Cato	Holcombe	Pickens	Tunstall
Embry	Hornsby	Powell	Walker
Fanning	Howard	St. John	Wall
Ferrell	Jeter	Smith (Clay)	Williams
Fite	Jones		

—34

Nays:**Messrs:**

Adams	Elliott	Letson	Sollie
Adcock	Gaines	Long	Stewart (Bibb)
Boykin	Glover	Love	Thompson (Jackson)
Burton	Hall	Moxley	Tiller
Byars	Hatter	Nichols	Tyson
Cook	Hodgson	Posey	Walton
Deloney	Kilpatrick	Sanders (Pike)	Ware
Dowdle			

—29

H. 527. To limit the amount of licenses or license tax to be paid by fire insurance companies to municipalities, and payments or contributions required to be made to firemen's pension or relief funds.

Was taken up. Mr. Goodwyn offered the following substitute for the bill:

Substitute for H. 527:

A BILL

To be entitled An Act to limit the amount of licenses or license tax to be paid by fire insurance companies to municipalities having a population of less than 100,000, according to the last preceding Federal census, including payments or contributions required to be made to any firemen's compensation or relief funds in such municipalities.

Be it enacted by the Legislature of Alabama as follows:

Section 1. That no fire insurance company doing business in any municipality in this State having a population of less than 100,000, according to the last preceding Federal census, shall be required to pay to such municipality for any license or license tax, a sum greater than four per centum of its gross premiums, less return premiums, received by such company on risks in such municipality, including any sum, or sums, required to be paid or contributed by such insurance company to any firemen's compensation, or relief fund in such municipality.

Section 2. That all laws and parts of laws in conflict herewith be and are hereby repealed.

Mr. Goodwyn offered the following amendment to the substitute:

Amend section 1 by adding thereto the following:

Provided that no license or privilege tax, or other charge for the privilege of doing business, shall be imposed by any municipal corporation or any fire insurance company writing industrial insurance.

And the amendment to the substitute was adopted, and the substitute as amended was adopted.

Yeas, 55; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Jeter	St. John
Adams	Fite	Kilborn	Smith (Jefferson)
Ashcraft (Lauderd'e)	Forman	Kilpatrick	Smith (Lee)
Bealle	Glover	Letson	Snodgrass
Bowen, Lewis	Goode	Long	Sollie
Bowen, L. K.	Goodwyn	McGowen	Stewart (Calhoun)
Boykin	Grove	Mooneyham	Thompson (Jackson)
Burns	Hatter	Moorer	Tunstall
Byars	Henson	Moxley	Tyson
Cato	Hodgson	Odom	Walker
Deloney	Holcombe	Patterson	Walton
Dowdle	Hornsby	Pickens	Ware
Dunwoody	Howard	Posey	Williams
Embry	Howze	Rives	

—55

And the bill:

H. 527. To limit the amount of licenses or license tax to be paid by fire insurance companies to municipalities, and payments or contributions required to be made to firemen's pension or relief funds.

As amended by the substitute as amended, was read a third time at length and passed.

Yeas, 63; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Jones	Sanders (Pike)
Adams	Ferrell	Kilborn	Smith (Clay)
Adcock	Fite	Kilpatrick	Smith (Jefferson)
Ashcraft (Lauderd'l)	Forman	Letson	Smith (Lee)
Bealle	Goode	Long	Snodgrass
Bowen, Lewis	Goodwyn	McGowen	Sollie
Bowen, L. K.	Grove	Mooneyham	Stewart (Calhoun)
Boykin	Guy	Moorer	Thompson (Jackson)
Burns	Hatter	Moxley	Tunstall
Burton	Henson	Odom	Tyson
Cato	Hodgson	Patterson	Walker
Cook	Holcombe	Pickens	Wall
Deloney	Hornsby	Posey	Walton
Dowdle	Howard	Powell	Ware
Elliott	Howze	Rives	Williams
Embry	Jeter	St. John	

—63

H. 641. For the relief of the creditors of the Alabama Oyster Commission. Whereas, by an Act approved April 18, 1911, the Legislature of this State appropriated \$15,000.00 for the use of said commission, and whereas, the full amount of said appropriation was never used by said Alabama Oyster Commission, and whereas, said Alabama Oyster Commission has been abolished, and owed certain debts at the time of its abolition, therefore.

Was taken up. On motion of Mr. Ashcraft of Lauderdale the bill was indefinitely postponed.

H. 181 (with substitute). To prevent the unlawful wearing of the American Legion button.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Military, said committee substitute being as follows:

Substitute for H. 181:

A BILL

To be entitled An Act to make it unlawful for any person not a member of the American Legion, Veterans of Foreign Wars, United Confederate Veterans, Spanish War Veterans, or any similar organization, to wear any emblem or insignia of any of such organizations, and to provide a penalty therefor.

Be it enacted by the Legislature of Alabama:

Section 1. It is unlawful for any person who is not a member of the American Legion, the Veterans of Foreign Wars, the United Confederate Veterans, the Spanish War Veterans, or any similar organization, to wear any emblem or insignia, badge or button, of any of such organizations.

Section 2. Any person violating the provisions of this Act is guilty of a misdemeanor and, upon conviction, must be fined not less than \$5 nor more than \$50.00 for the first offense, and for any second offense in addition to the fine herein provided for may be punished by imprisonment in the county jail for not more than thirty days.

Section 3. This Act shall take effect upon its approval by the Governor.

And the substitute was adopted.

Yeas, 51; Nays, 3.

Yeas:

Messrs:

Mr. Speaker	Burton	Embry	Goodwyn
Adams	Cato	Fanning	Grove
Adcock	Cook	Fite	Hampton
Ashcraft (Lauderd ¹)	Culver	Forman	Hatter
Bealle	Deloney	Glenn	Hodgson
Bowen, Lewis	Dowdle	Glover	Holcombe
Bowen, L. K.	Elliott	Goode	Hornsby

Howard	Luck	Posey	Stewart (Calhoun)
Howze	McGowen	Rives	Walker
Jeter	Moorer	Smith (Clay)	Wall
Kilpatrick	Moxley	Smith (Lee)	Walton
Letson	Odom	Snodgrass	Ware
Long	Patterson	Sollie	

—51

Nays:

Messrs:

Byars

Ferrell

Hall

—3

And the bill:

H. 181. To prevent the unlawful wearing of the American Legion button.

As amended by the substitute, was read a third time at length and passed.

Yeas, 55; Nays, 1.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Ashcraft (Lauder's)

Bealle

Bowen, Lewis

Bowen, L. K.

Burton

Cato

Cook

Culver

Deloney

Dowdle

Dunwoody

Elliott

Embry

Fanning

Fite

Forman

Glenn

Glover

Goode

Goodwyn

Grove

Hatter

Hodgson

Holcombe

Hornsby

Howze

Jeter

Kilborn

Kilpatrick

Long

Love

McGowen

Mooneyham

Moorer

Moxley

Odom

Patterson

Posey

Powell

Rives

St. John

Smith (Clay)

Smith (Jefferson)

Smith (Lee)

Snodgrass

Sollie

Stewart (Calhoun)

Thompson (Jackson)

Tunstall

Wall

Ware

Williams

—55

Nays:

Mr. Byars—1.

H. 741 (with amendment). To levy and collect an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in any county in the State; to provide for the collection and payment of such tax; to provide for holding elections in any of such counties to determine whether such excise tax shall be levied and collected; and to fix penalties for the violation of any of the provisions of this Act.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Ways, Means and Appropriations.

And the amendment was lost.

Yeas, 21; Nays, 40.

Yeas:

Messrs:

Mr. Speaker	Elliott	Grove	Odom
Adams	Embry	Holcombe	Powell
Ashcraft (Lauderdl.)	Glenn	Hornsby	Smith (Clay)
Bowen, Lewis	Goode	Kilborn	Walker
Bowen, L. K.	Goodwyn	McGowen	Wall
Dowdle			

—21

Nays:

Messrs:

Bealle	Gaines	Long	Smith (Lee)
Burton	Glover	Love	Snodgrass
Byars	Hall	Mooneyham	Sollie
Cato	Hatter	Moxley	Stewart (Bibb)
Cook	Henson	Patterson	Stewart (Calhoun)
Culver	Hodgson	Pickens	Thompson (Jackson)
Deloney	Howze	Rives	Tiller
Fanning	Jeter	St. John	Tunstall
Ferrell	Kilpatrick	Sanders (Pike)	Walton
Fite	Letson	Smith (Jefferson)	Ware

—40

And on motion of Mr. Fite,

H. 741. To levy and collect an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in any county in the State; to provide for the collection and payment of such tax; to provide for holding elections in any of such counties to determine whether such excise tax shall be levied and collected; and to fix penalties for the violation of any of the provisions of this Act.

Was indefinitely postponed.

S. 437. To require the clerk of the Supreme Court, and the clerk of the Court of Appeals to furnish the circuit judges in all cases and the circuit solicitors in criminal cases of the various circuits of this State, copies of opinions in all cases appealed from their circuits.

Was read a third time at length and passed.

Yeas, 48; Nays, 6.

Yeas:

Messrs:

Mr. Speaker	Embry	Hornsby	Patterson
Adcock	Fanning	Jeter	Posey
Ashcraft (Lauderdl.)	Ferrell	Jones	Powell
Bowen, Lewis	Fite	Kilpatrick	Rives
Bowen, L. K.	Glenn	Long	St. John
Burton	Glover	Love	Smith (Clay)
Byars	Goode	Luck	Smith (Lee)
Cato	Goodwyn	McGowen	Snodgrass
Deloney	Grove	Mooneyham	Stewart (Bibb)
Dowdle	Hatter	Moorer	Stewart (Calhoun)
Dunwoody	Hodgson	Moxley	Wall
Elliott	Holcombe	Odom	Walton

—48

Nays:

Messrs:

Adams

Bealle

Cook

Forman

Henson

Howze

—6

On motion of Mr. Fite all House bills passed by the House today were ordered sent to the Senate without engrossment.

H. 734. To permit the members of the tax commission of the State of Alabama to accept and travel upon passes over the railroads of this State while engaged in the actual business of the State.

Was taken up. Mr. Rives moved to indefinitely postpone the bill, and the motion prevailed, and the bill was indefinitely postponed.

Yeas, 33; Nays, 28.

Yeas:

Messrs:

Adcock

Ashcraft (Lauder^d)

Bealle

Blackwell

Bowen, Lewis

Burton

Byars

Cook

Deloney

Dunwoody

Gaines

Glover

Goode

Hall

Henson

Hodgson

Letson

Long

Love

Mooneyham

Moorer

Moxley

Rives

Sanders (Pike)

Smith (Clay)

Smith (Lee)

Snodgrass

Sollie

Stewart (Bibb)

Thompson (Jackson)

Walton

Ware

Williams

—33

Nays:

Messrs:

Mr. Speaker

Bowen, L. K.

Cato

Dowdle

Elliott

Embry

Fanning

Ferrell

Fite

Glenn

Glover

Goodwyn

Grove

Holcombe

Hornsby

Howard

Howze

Jeter

Kilborn

McGowen

Odom

Patterson

Picksen

Posey

St. John

Smith (Jefferson)

Stewart (Calhoun)

Tunstall

—28

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Brooks:

S. 508. To provide for the organization, regulation and extension of institutions for savings and credit facilities to be termed "co-operative credit associations," and to define their powers.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate standing committee as follows:

Judiciary, S. 508.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Waddell:

S. 514. To prescribe further the manner of closing the fiscal records of the State.

By Mr. Waddell:

S. 516. To require the tax collectors of the counties of this State to make periodical reports of their collections to the State Department of Education.

By Mr. Waddell:

S. 517. To require county treasurers, county depositories and county treasurers of public school funds to make monthly reports to the Department of Examiners and Accounts of all moneys paid to such officers by county and State officers.

By Mr. Pelham:

S. 368. To revise and amend chapter 224 of the Code of 1907.

By Mr. Pelham:

S. 366. To revise and amend chapter 219 of the Code of 1907.

By Mr. Pelham:

S. 367. To revise and amend chapter 20 of the Code of 1907.

By Mr. Inzer:

S. 377. To provide an appropriation for the maintenance and for building and equipment of the Alabama School of Trades and Industries.

By Mr. Inzer:

S. 546. To repeal an Act entitled "An Act to create the Alabama Centennial Commission, to prescribe its powers and duties, and to make an appropriation for the appropriate celebration, under the direction of the commission, of the one hundredth anniversary of the admission of Alabama into the Federal union," approved February 17, 1919, and it is provided that the part of the appropriation made by such Act shall revert to the general fund.

J. E. Speight.
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one

time and referred to appropriate standing committees as follows:

Judiciary, S. 514, S. 516, S. 517, S. 546.

Game, Fish and Forestry, S. 368, S. 366, S. 367.

Ways, Means and Appropriations, S. 377.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 379. To designate a certain public road of Alabama as a State trunk road and to provide the manner in which said road shall be located, improved and maintained.

J. E. Speight,
Secretary.

ADJOURNMENT.

The House, on motion of Mr. Long, adjourned until 10:30 tomorrow (Friday) morning.

FORTY-EIGHTH DAY.

House of Representatives,
Friday, September 21st, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Frank Willis Barnett of Birmingham.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:

Mr. Speaker

Adams

Adcock

Arrington

Ashcraft (Fayette)

Ashcraft (Lauderdal)

Bealle

Blackwell

Bowen, Lewis

Bowen, L. K.

Boykin

Burns

Burton

Byars

Calloway

Cato

Christian

Coleman

Cook

Culver

Deloney

Dickinson

Dowdle

Dunwoody

Elliott

Embry

Fanning

Ferrell

Fite

Forman

Gaines

Glenn

Glover

Goode

Goodwyn

Graves

Grove

Guy

Hall

Hampton

Hatter

Hawkins

Henley

Henson

Hodgson

Holcombe

Hornsby

Howard

Howze	Mooneyham	Rives	Thompson (Etowah)
Hubbard	Moorer	Kountree	Thompson (Jackson)
Jeter	Moxley	St. John	Tiller
Jones	Nichols	Sanders (Conecuh)	Tunstall
Kilborn	Norman	Sanders (Pike)	Tyson
Kilpatrick	Odom	Sessions	Verner
Lee	Parker	Smith (Clay)	Walker
Letson	Patterson	Smith (Jefferson)	Wall
Long	Pickens	Smith (Lee)	Walton
Love	Poole	Snodgrass	Ware
Luck	Posey	Sollie	Williams
McDaniel	Powell	Stewart (Bibb)	Young
McGowen	Ringer	Stewart (Calhoun)	
Melton			

—101

A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Forty-Seventh Legislative Day, and finds same correct.

O. W. Melton,
Chairman.

The report of the committee was concurred in and adopted and the Journal for the Forty-Seventh Legislative Day was approved.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Joint Resolution, and sends same herewith to the House without engrossment:

By Mr. Jones of Barbour:

S. J. R. 133. Whereas, the Constitution of the State prevents the levy of an adequate income and inheritance tax;

And whereas, the progress of the State, its schools and its institutions, demand a fair and equitable adjustment of the tax burden;

And whereas, an income tax justly places the burden of taxation on those most able to pay the same, and who are not now bearing their fair proportion of the burdens of state, and, in some instances entirely escape taxation;

Therefore, be it resolved

Section 1. That the Legislature of Alabama propose the following amendment so as to make Section 219 of the Constitution of Alabama read as follows, to-wit:

"The Legislature may levy a tax on inheritances of every kind and nature where the estate is of a greater value than fifty thousand dollars, and no limitation contained in this Constitution shall affect this power, and not less than fifty per cent of the net income derived from these sources shall be devoted to educational purposes."

"Section 2. That the proposed amendment shall be submitted at the next general election to be held after the final adjournment of this Legislature.

Section 3. Notice of the election, to be held in accordance with the provisions of Section 2 of this resolution, together with the proposed amendment, shall be given by proclamation by the Governor, which said proclamation shall be published in a newspaper in each county in the State for a period of at least eight successive weeks next preceding the day appointed for such election, and where no newspaper is published in the county, said notice shall be published by posting same on the court house door of said county for a like period of time.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate Joint Resolution No. 133, which is set out in the above and foregoing message from the Senate was read one time at length and referred to an appropriate Standing Committee as follows:

Judiciary, S. J. R. 133.

BILLS ON SECOND READING.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 508. To provide for the organization, regulation and extension of institutions for savings and credit facilities to be termed "Co-operative Credit Associations," and to define their powers.

S. 514. To prescribe further the manner of closing the fiscal records of the State.

S. 517. To require County Treasurers, County Depositories and County Treasurers of Public School Funds to make monthly reports to the Department of Examiners of Accounts of all moneys paid to such officers by County and State officers.

S. 512. To authorize the Board of Managers of the State Training Schools for Girls, with approval of the Governor, to

borrow money for purposes of buying lands adjoining the site of said school near Birmingham, and erecting buildings thereon and to execute a mortgage or deed of trust upon the property of said school known as the "Matsayuma Place," to secure the payment of the same:

S. 516. To require the Tax Collectors of the counties of this State to make periodical reports of their collections to the State Department of Education.

S. 546. To repeal an Act entitled "An Act to create the Alabama Centennial Commission, to prescribe its powers and duties, and to make an appropriation for the appropriate celebration, under the direction of the commission, of the one hundredth anniversary of the admission of Alabama into the Federal Union," approved February 17, 1919, and it is provided that the part of the appropriation made by such act shall revert to the general fund.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 150. To provide for the support and maintenance, regulation and control of the Alabama Vocational School for Girls.

S. 220. To amend Section 2047 of the Code of Alabama as last amended.

S. 377. To provide appropriations for the Alabama School of Trades and Industries.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

S. 283 (with amendment). To fix the salaries and compensation of certain State officials, appointees, employees, capitol watchmen and servants and to make it unlawful for any parties whose salaries or compensation is fixed hereby to accept any increase in such salary or compensation for any additional duties placed upon such person.

Mrs. Wilkins, Chairman of the Standing Committee on Public Health, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 495. To repeal an Act entitled an Act: "To prevent the spread of tuberculosis by the creation of a tuberculosis commission, to provide for its organization and work, and to author-

ize the erection and maintenance of local hospitals under its supervision." Approved September 22, 1915.

Mr. Grove, Chairman of the Standing Committee on Game, Fish and Forestry Preservation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 367. To revise and amend Chapter 20 of the Code of 1907.

S. 368. To revise and amend Chapter 224 of the Code of 1907.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 431. To propose an amendment to the Constitution of Alabama for the purpose of authorizing the Legislature to form or provide for the formation of drainage districts, and establishing and maintaining a drainage system for the building and maintaining of public roads, and for building and maintaining a sea wall or other protection against waves, storm or flood therein; to provide for the assessment of the whole or part of the cost of such improvements against the land in such districts to the extent of the increased value of said land by reason of the special benefits derived from such improvements; to provide for the issuance of bonds by such district with or without an election, and to order an election by the qualified electors of the State upon such proposed amendment to be held at the general State election in November, 1924. Provided the provisions as to roads and sea wall shall apply only to Mobile and Baldwin Counties.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 1063. To authorize courts which have jurisdiction to try persons charged with a misdemeanor in counties of this State which have a population of as many as Two Hundred Thousand people according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter, and which counties now have, or which counties shall hereafter have a Court of Domestic Relations, and before which are brought for trial, females over eighteen years of age charged with the commission of a misdemeanor, to transfer such causes to the Domestic Relations Courts of such counties for trial, when such courts, or the judge, or judges thereof shall deem it in the

interest of justice, and the public welfare so to do; and to prescribe and regulate the procedure in such causes.

The above and foregoing bills were severally read a second time and placed on the Calendar.

BILLS ON THIRD READING.

S. 462. To authorize any literary society, social society, Young Men's Christian Association, or Young Women's Christian Association, to convey the title to real estate belonging to it, and to prescribe the proceedings to authorize the execution of the deed, and to prescribe the prima facie evidence of the authority to execute the deed, and to authorize a certified copy of the minutes of the meeting authorizing the execution of the conveyance to be recorded in the office of the judge of probate where the property is situated, and to prescribe the effect thereof.

Was read a third time at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Howze	Parker
Adams	Ferrell	Jeter	Pickens
Adcock	Fite	Kilborn	Posey
Ashcraft (Lauderd'e)	Forman	Kilpatrick	Ringer
Bealle	Goode	Lee	Rives
Bowen, Lewis	Goodwyn	Letson	St. John
Boykin	Graves	Love	Sessions
Burton	Grove	Luck	Smith (Lee)
Byars	Hatter	McDaniel	Stewart (Bibb)
Calloway	Hawkins	McGowen	Stewart (Calhoun)
Christian	Henley	Melton	Thompson (Jackson)
Coleman	Henson	Moorer	Walker
Cook	Hodgson	Nichols	Ware
Dowdle	Holcombe	Norman	Williams
Elliott	Hornsby	Odom	Young
Embry	Howard		

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H. 1054. To amend Section 6577 of the Code of 1907.

Was read a third time at length and passed.

Yeas, 56; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Christian	Forman	Jones
Adams	Coleman	Goode	Kilpatrick
Adcock	Cook	Goodwyn	Lee
Ashcraft (Fayette)	Culver	Graves	Letson
Ashcraft (Lauderd'e)	Dowdle	Grove	Melton
Bealle	Elliott	Henley	Moorer
Boykin	Embry	Hodgson	Odom
Burton	Fanning	Holcombe	Parker
Cato	Ferrell	Howard	Patterson

Pickens	Rives	Snodgrass	Tyson
Poole	St. John	Sollie	Verner
Posey	Sanders (Pike)	Stewart (Bibb)	Walton
Powell	Sessions	Stewart (Calhoun)	Ware
Ringer	Smith (Lee)	Thompson (Jackson)	Young

—56

Nays: Mr. Hornsby—1.

S. 187. To authorize cities and towns to reduce the area thereof and to re-establish and define their corporate limits and have a map or plat thereof made and recorded in the Probate Office of the County in which such city or town is situated, and to mark the boundaries of such city or town by proper landmarks.

Was read a third time at length and passed.

Yeas, 68; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Jones	Powell
Adams	Elliott	Kilborn	Ringer
Adcock	Embry	Kilpatrick	Rives
Arrington	Fanning	Lee	St. John
Ashcraft (Fayette)	Fite	Letson	Sanders (Pike)
Bealle	Forman	Long	Smith (Clay)
Blackwell	Goode	Luck	Smith (Lee)
Bowen, Lewis	Goodwyn	McDaniel	Snodgrass
Boykin	Graves	Melton	Sollie
Burns	Grove	Moorer	Stewart (Bibb)
Burton	Hampton	Nichols	Stewart (Calhoun)
Byars	Hatter	Odom	Thompson (Jackson)
Christian	Henley	Parker	Verner
Cook	Hodgson	Patterson	Walker
Culver	Holcombe	Pickens	Ware
Deloney	Howard	Poole	Williams
Dickinson	Jeter	Posey	Young

—68

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 172. To amend an Act approved October 31, 1921, entitled an Act to provide further for the construction, repair, and maintenance of the public roads, bridges and highways in this State.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds

vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Joint Resolution:

By Rules Committee:

S. J. R. 178. Resolved by the Senate and House of Representatives, that when they adjourn today, they stand adjourned until Tuesday, September 25th, at 10 o'clock A. M.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted S. J. R. No. 178 relative to adjournment of the two Houses until Tuesday, September 25th at 10 o'clock A. M.

BILL ON THIRD READING.

S. 231. To validate and legalize elections heretofore held under the provisions of an Act of the Legislature approved February 13, 1919, entitled, "An Act to provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county; to authorize any school district, in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such school district; and to authorize boards of education to issue interest bearing warrants to erect, repair and equip school buildings and to otherwise improve school facilities."

Was read a third time at length and passed.

Yeas, 59; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Bowen, L. K.	Cook	Ferrell
Adams	Boykin	Culver	Forman
Adcock	Burns	Deloney	Goode
Ashcraft (Fayette)	Byars	Dowdle	Goodwyn
Bealle	Christian	Embry	Grove
Bowen, Lewis	Coleman	Fanning	Hampton

Hawkins	Letson	Posey	Stewart (Calhoun)
Henley	McDaniel	Powell	Tiller
Hodgson	McGowen	Ringer	Tyson
Hornsby	Melton	Rives	Varner
Jeter	Nichols	Rountree	Verner
Jones	Norman	Smith (Jefferson)	Walker
Kilborn	Odom	Snodgrass	Walton
Kilpatrick	Parker	Sollie	Ware
Lee	Patterson	Stewart (Bibb)	

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REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bill and House Joint Resolution with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 142. To regulate the feeding of prisoners in county jails; to provide the manner and method of payment therefor.

H. J. R. 238. Relative to action of the Governor and State Board of Convict Supervisors concerning the insurrection and mutiny at Banner Mines in Birmingham and the manner of quelling the disturbance.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill and House Joint Resolution, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

BILLS ON THIRD READING.

H. 1055. To repeal an Act entitled "An Act to provide for the creation of the office of county auditor of Walker County, Alabama, to define the powers and duties thereof, to provide for his compensation, to fix his term of office and prescribe the manner of his appointment and election," approved February 28, 1907.

Was taken up. Mr. Powell offered the following amendment:

Amend by adding Section Two as follows:

Sec. 2. That this Act shall take effect the second Tuesday after the first Monday in January 1925.

And the amendment was adopted.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Jones	Powell
Adams	Gaines	Kilborn	Ringer
Adcock	Glenn	Lee	St. John
Bealle	Glover	Letson	Sessions
Boykin	Goode	Long	Sollie
Burns	Graves	Love	Tiller
Burton	Grove	Luck	Tyson
Byars	Guy	Melton	Varner
Cato	Hall	Moorer	Verner
Cook	Hatter	Moxley	Walker
Culver	Henley	Nichols	Wall
Dowdle	Henson	Parker	Walton
Elliott	Howard	Patterson	Ware
Embry	Howze	Poole	Williams
Ferrell	Jeter	Posey	Young

—60

And the bill,

H. 1055. To repeal an Act entitled "An Act to provide for the creation of the office of county auditor of Walker County, Alabama, to define the powers and duties thereof, to provide for his compensation, to fix his term of office and prescribe the manner of his appointment and election," approved February 28, 1907.

As amended, was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Gaines	Hubbard	Smith (Clay)
Adcock	Glenn	Kilborn	Smith (Jefferson)
Ashcraft (Fayette)	Glover	Kilpatrick	Smith (Lee)
Ashcraft (Lauderdl.)	Goode	Letson	Snodgrass
Burns	Goodwyn	Love	Stewart (Bibb)
Burton	Graves	Moorer	Stewart (Calhoun)
Calloway	Grove	Moxley	Thompson (Etowah)
Cook	Guy	Nichols	Thompson (Jackson)
Culver	Hall	Norman	Verner
Dowdle	Hatter	Patterson	Walker
Dunwoody	Henley	Pickens	Wall
Embry	Henson	Ringer	Walton
Fanning	Hodgson	Rives	Ware
Ferrell	Hornsby	Sanders (Conecuh)	Williams
Fite	Howze	Sanders (Pike)	Young

—60

S. 215. To amend Section 8 of an Act entitled "An Act to incorporate the Farmers' Mutual Insurance Association of the State of Alabama.

Was read a third time at length and passed.

Yeas, 69; nays, 0.

Yeas :

Messrs :

Mr. Speaker	Embry	Hornshy	Poole
Adams	Fanning	Howard	Posey
Adcock	Fite	Howze	Ringer
Ashcraft (Fayette)	Forman	Jeter	Rives
Ashcraft (Lauderd'l)	Glenn	Kilborn	St. John
Bealle	Glover	Kilpatrick	Sanders (Pike)
Bowen, Lewis	Goode	Lee	Sessions
Bowen, L. K.	Goodwyn	Letson	Smith (Clay)
Boykin	Graves	Love	Snodgrass
Burns	Grove	Luck	Sollie
Burton	Hall	McGowen	Stewart (Calhoun)
Bvavs	Hatter	Moorer	Thompson (Jackson)
Christian	Hawkins	Moxiey	Verner
Coleman	Henley	Nichols	Walker
Cook	Henson	Norman	Ware
Deloney	Hodgson	Parker	Williams
Dickinson	Holcombe	Patterson	Young
Dowdle			

—69

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House :

H. 648. To propose to amend section 194½ of the Constitution of Alabama so as to exempt certain persons who served in the military or naval service of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes and to qualify such persons to vote or hold office in the State of Alabama and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the regular session of the present Legislature.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Holcombe the House concurred in and adopted the Senate amendment to the bill, H. 648, said Senate amendment being as follows :

Amend the title and the bill by striking out the words "on the first Monday after the expiration of three months from and after the final adjournment of the regular session of the present Legislature" wherever they occur together in said bill and insert in lieu thereof the words "at the next general election after the final adjournment of the present session of the Legislature."

Yeas, 80; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Kilborn	St. John
Adams	Ferrell	Kilpatrick	Sanders (Conecuh)
Adcock	Fite	Lee	Sanders (Pike)
Arrington	Forman	Letson	Sessions
Ashcraft (Fayette)	Goode	Long	Smith (Clay)
Ashcraft (Lauderd'e)	Goodwyn	Luck	Smith (Jefferson)
Bealle	Graves	McDaniel	Smith (Lee)
Bowen, Lewis	Grove	McGowen	Snodgrass
Bowen, L. K.	Guy	Moorer	Sollie
Boykin	Hampton	Moxley	Stewart (Calhoun)
Burns	Hawkins	Norman	Thompson (Jackson)
Burton	Henley	Odom	Tiller
Byars	Henson	Parker	Tyson
Cato	Hodgson	Patterson	Verner
Christian	Holcombe	Pickens	Walker
Coleman	Hornsby	Poole	Wall
Cook	Howard	Posey	Walton
Deloney	Howze	Powell	Ware
Dowdle	Jeter	Ringer	Williams
Dunwoody	Jones	Rives	Young

—80

BILLS ON THIRD READING.

H. 1058. To provide that no person who has successfully passed an examination for a Mobile Bay and Bar Pilot, or either, shall be required to undergo or pass another examination before being entitled to his license or status as a Mobile Bay and Bar Pilot, notwithstanding the board or commission under which said person was examined has been abolished.

Was read a third time at length and passed.

Yeas, 53; nays, 11.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Letson	St. John
Adams	Fanning	McDaniel	Smith (Jefferson)
Adcock	Goode	McGowen	Smith (Lee)
Ashcraft (Lauderd'e)	Goodwyn	Moorer	Snodgrass
Bowen, Lewis	Graves	Nichols	Stewart (Calhoun)
Bowen, L. K.	Grove	Odom	Tunstall
Burton	Hampton	Patterson	Tyson
Christian	Hodgson	Pickens	Verner
Coleman	Holcombe	Poole	Verner
Cook	Hornsby	Posey	Walker
Culver	Jeter	Powell	Wall
Deloney	Jones	Ringer	Williams
Dickinson	Kilborn	Rives	Young
Dowdle			

—53

Nays:

Messrs:

Bealle	Byars	Henson	Sanders (Pike)
Blackwell	Forman	Long	Thompson (Jackson)
Boykin	Hatter	Sanders (Conecuh)	

—11

S. 266. To prohibit derogatory statements affecting any bank doing business in this State and to prevent the libel or slander of any such bank, and to provide for the punishment for the violation of this Act.

Was read a third time at length and passed.

Yeas, 57; nays, 3.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Kilpatrick	Sessions
Adams	Embry	Lee	Smith (Clay)
Adcock	Fanning	McGowen	Smith (Jefferson)
Ashcraft (Fayette)	Goode	Meiton	Stodgrass
Ashcraft (Lauderd ⁿ)	Goodwyn	Moorer	Stewart (Calhoun)
Bealle	Graves	Nichols	Thompson (Jackson)
Bowen, Lewis	Grove	Norman	Tiller
Boykin	Guy	Patterson	Tunstall
Burns	Henson	Pickens	Verner
Burton	Hodgson	Posey	Walker
Cato	Hornsby	Powell	Wall
Christian	Howard	Ringer	Ware
Cook	Jones	Rives	Williams
Deloney	Kilborn	St. John	Young
Dickinson			

—57

Nays: Messrs. Hampton, Jeter, Sanders (Pike)—3.

S. 260. To amend Section 21 of an Act entitled, "An Act to amend Sections 1 and 2 and 5 of an Act entitled, 'An Act to amend the title and Sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46, and to repeal Sections 31 and 32 of an Act entitled, 'An Act to create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto, approved March 2, 1911,' approved February 15, 1915."

Was read a third time at length and passed.

Yeas, 61; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Henley	McGowen
Adams	Fanning	Henson	Moorer
Adcock	Ferrell	Holcombe	Moxley
Arrington	Fite	Hornsby	Nichols
Ashcraft (Fayette)	Forman	Howard	Norman
Ashcraft (Lauderd ^e)	Glenn	Howze	Patterson
Boykin	Glover	Jeter	Posey
Byars	Goode	Jones	Powell
Christian	Goodwyn	Kilborn	Ringer
Coleman	Grove	Kilpatrick	Rives
Cook	Hampton	Lee	St. John
Elliott	Hawkins	Letson	Sanders (Pike)

Sessions	Stewart (Calhoun)	Verner	Ware
Smith (Clay)	Tunstall	Walker	Williams
Smith (Lee)	Tyson	Wall	Young
Snodgrass			

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MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has passed the following House bills and returns same herewith to the House:

H. 1018. To make an appropriation for the necessary repair, maintenance and furnishing of the Governor's Mansion.

H. 883. To provide for the payment and to make legal all claims, script and certificates issued to witnesses and officers heretofore registered with the treasurer of Tallapoosa county, and to authorize, empower and direct the treasurer of said county to pay the same out of the fine and forfeiture fund of said county in the order of registration.

H. 823. To provide for the election of county superintendent of education for Clay County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment; to define his qualifications, powers and duties, and to provide for the election of his successor in office.

H. 756. To alter and rearrange the boundaries of the town of Ashford, Houston county, Alabama.

H. 534. To provide for the relief of H. W. Slaughter, of Baldwin county, Alabama.

H. 941. To provide for the establishing, construction and maintaining of public roads and bridges in Cullman county, Alabama; creating a highway commission for said county, and defining its powers, jurisdiction and duties.

H. 878. To fix the time for holding the Jury Terms of the County Court of Lawrence County, Alabama.

J. E. Speight,
Secretary.

BILL ON THIRD READING.

S. 261. To provide for and prescribe the method whereby any bank or banking association organized under the laws of the United States may be converted into a State banking corporation.

Was read a third time at length and passed.

Yeas, 64; nays, 0.

Yeas :

Messrs :

Mr. Speaker	Adcock	Ashcraft (Fayette)	Bowen, Lewis
Adams	Arrington	Ashcraft (Lauder'de)	Bowen, L. K.

Boykin	Glenn	Luck	Sessions
Burns	Goode	McDaniel	Smith (Clay)
Byars	Goodwyn	McGowen	Smith (Jefferson)
Cato	Graves	Melton	Smith (Lee)
Christian	Grove	Moorer	Snodgrass
Cook	Hatter	Nichols	Tunstall
Deloney	Henley	Norman	Tyson
Dowdle	Henson	Odom	Varnier
Dunwoody	Holcombe	Patterson	Verner
Embry	Hornsby	Pickens	Walker
Fanning	Howard	Powell	Wall
Ferrell	Jeter	Ringer	Ware
Fite	Letson	Rives	Williams
Guines	Love	St. John	Young

—64

MESSAGE FROM THE GOVERNOR.

Message to the House of Representatives:

Gentlemen: I herewith return House Bill 713 without my approval. I suggest the following amendment:

Amend the bill by adding thereto a new section, which shall be Section 4½, and which shall read as follows:

"Section 4½. When the rolls of qualified jurors have been made up, and the cards with the individual qualified jurors' names thereon have been prepared and placed in metal boxes by said County Commissioners as required by law, the books containing such rolls, and the boxes containing such cards, shall be at once deposited with the Judge of the Circuit Court of the Circuit including said County and with the keys to locks of said boxes, shall remain in his custody except when the same may be needed by said Commissioners for the purpose of revising said rolls, or in certifying new rolls, or refilling said boxes, or except when said boxes may be needed by other judges or other persons entitled under the law to draw jurors' names therefrom. The actual reasonable expense incurred in the carrying of said boxes and rolls to and from the said Circuit Judge for use by Commissioners in performance of their duties and for use in drawing jurors by other Judges and other persons entitled to draw names of jurors therefrom, shall be paid out of the County Treasury in the same manner as Commissioners are paid for their services in regard to jurors."

With such amendment the bill will meet my approval.

Respectfully submitted,

Wm. W. Brandon, Governor.

GOVERNOR'S MESSAGE.

On motion of Mr. Sessions the House concurred in and adopted the amendment proposed by the Governor to the bill, H. 713, said Governor's amendment being set out in the above and foregoing message from the Governor.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Boykin	Cato	Dowdle
Adams	Burns	Cook	Elliott
Adcock	Burton	Culver	Embry
Bealle	Byars	Deloney	Ferrell

Fite	Henson	Luck	Rives
Gaines	Holcombe	Moorer	St. John
Glenn	Hornsby	Moxley	Sessions
Glover	Howard	Nichols	Snodgrass
Goode	Howze	Odom	Tunstall
Graves	Jones	Parker	Tyson
Grove	Kilborn	Patterson	Verner
Guy	Lee	Poole	Wall
Hatter	Letson	Posey	Ware
Hawkins	Long	Powell	Williams
Henley	Love	Ringer	Young

—60

Which was a majority of the whole number elected to the House.

And the bill,

H. 713. To abolish the office of Jury Commissioners and the Jury Commission as now constituted in and for Coffee County, Alabama; and to impose on the County Commissioners of Coffee County, Alabama, the performance of all the duties and acts now required of the Jury Commissioners and the Jury Commission of said county, which duties are prescribed in the Act of the Legislature of Alabama, approved August 31, 1909; and to fix compensation of said County Commissioners of said county for performance of such duties.

As amended by the amendment proposed by the Governor, was again read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Jones	Posey
Adams	Fite	Kilborn	Powell
Adcock	Forman	Lee	Ringer
Bealle	Glenn	Letson	Rives
Boykin	Goode	Long	St. John
Burns	Goodwyn	Love	Sanders (Pike)
Byars	Guy	Luck	Sessions
Cato	Hall	Moorer	Verner
Christian	Hatter	Moxley	Verner
Coleman	Hawkins	Nichols	Walker
Cook	Holcombe	Norman	Wall
Culver	Hornsby	Odom	Walton
Dowdle	Howard	Parker	Ware
Elliott	Howze	Pickens	Williams
Embry	Jeter	Poole	Young

—60

Which was a majority of the whole number elected to the House.

BILL ON THIRD READING.

S. 263. To relieve banks and trust companies doing a banking business from liability to a depositor for the payment in

good faith of a forged or raised check, issued in the name of such depositor, unless within six months after the return to the depositor of the voucher representing such payment, the depositor shall notify the bank in writing that the check so paid was forged or raised.

Was taken up. Mr. Kilborn offered the following amendment to the bill:

Strike out the words "notify the bank in writing" wherever they appear in the caption and in the bill and insert in lieu thereof the words "notify the bank."

And the amendment was adopted.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Holcombe	Ringer
Adcock	Dunwoody	Hornsby	Rives
Arrington	Embry	Howze	St. John
Ashcraft (Fayette)	Fanning	Jones	Sanders (Pike)
Ashcraft (Lauderd.)	Ferrell	Kilborn	Sessions
Bowen, Lewis	Fite	Lee	Smith (Clay)
Bowen, L. K.	Forman	Love	Smith (Lee)
Boykin	Gaines	McDaniel	Snodgrass
Burns	Goode	McGowen	Sollie
Burton	Goodwyn	Melton	Stewart (Calhoun)
Byars	Graves	Moorer	Thompson (Jackson)
Calloway	Grove	Parker	Tunstall
Christian	Hampton	Patterson	Tyson
Coleman	Hatter	Pickens	Varnier
Cook	Henley	Poole	Verner
Deloney	Henson	Posey	Young
Dickinson			

—65

And the bill,

S. 263. To relieve banks and trust companies doing a banking business from liability to a depositor for the payment in good faith of a forged or raised check, issued in the name of such depositor, unless within six months after the return to the depositor of the voucher representing such payment, the depositor shall notify the bank in writing that the check so paid was forged or raised.

As amended, was read a third time at length and passed.

Yeas, 63; nays, 3.

Yeas:

Messrs:

Mr. Speaker	Boykin	Deloney	Fite
Adcock	Byars	Dowdle	Forman
Arrington	Calloway	Dunwoody	Goode
Ashcraft (Fayette)	Coleman	Embry	Goodwyn
Ashcraft (Lauderd.)	Cook	Fanning	Graves
Bowen, L. K.	Culver	Ferrell	Grove

Guy	Kilborn	Norman	Smith (Lee)
Hampton	Lee	Odom	Snodgrass
Hawkins	Letson	Parker	Sollie
Henley	Love	Patterson	Stewart (Calhoun)
Henson	McDaniel	Pickens	Tyson
Holcombe	McGowen	Poole	Varner
Hornsby	Melton	Posey	Verner
Howard	Mooneyham	Ringer	Walker
Howze	Moorer	Rives	Young
Jones	Moxley	Sanders (Pike)	

—63

Nays: Messrs. Burton, Christian, Ware—3.

MOVED TO RECONSIDER VOTE.

Mr. Mooneyham moved to reconsider the vote by which the bill H. 734 was lost on yesterday. The point of order was made by Mr. Long, that the motion came too late, the rules requiring that the motion must be made within one hour after the reading of the Journal Report. The Speaker sustained the point of order made by Mr. Long.

Mr. Mooneyham moved to suspend the rules, in order that the bill could be reconsidered, and the motion to suspend the rules was lost.

Yeas, 36; nays, 46.

Yeas:

Messrs:

Mr. Speaker	Embry	Hornsby	Patterson
Adams	Fanning	Howard	Pickens
Bealle	Ferrell	Howze	Posey
Bowen, L. K.	Fite	Jeter	St. John
Calloway	Goodwyn	Kilborn	Smith (Jefferson)
Cato	Graves	Luck	Stewart (Calhoun)
Coleman	Grove	Mooneyham	Tunstall
Deloney	Hatter	Nichols	Walker
Dickinson	Holcombe	Odom	Wall

—36

Nays:

Messrs:

Adcock	Glover	Long	Smith (Lee)
Ashcraft (Fayette)	Goode	Love	Snodgrass
Ashcraft (Lauderdl.)	Guy	McDaniel	Sollie
Blackwell	Hall	Moorer	Stewart (Bibb)
Bowen, Lewis	Hampton	Norman	Thompson (Jackson)
Boykin	Hawkins	Parker	Tiller
Burns	Henley	Poole	Tyson
Burton	Henson	Ringer	Varner
Byars	Hodgson	Rives	Verner
Christian	Kilpatrick	Sanders (Pike)	Ware
Cook	Letson	Smith (Clay)	Young
Gaines			

—46

BILLS ON THIRD READING.

S. 244. To repeal Sections 4594, 4595 and 4596 of the Code of Alabama, and also an Act entitled "An Act to amend Sections 4594 and 4595 of the Code of Alabama," approved April 7th, 1911.

Was read a third time at length and passed.

Yeas, 79; nays, 12.

Yeas:

Messrs:

Mr. Speaker	Fanning	Jones	Ringer
Adams	Ferrell	Kilborn	Rives
Adcock	Fite	Kilpatrick	St. John
Arrington	Glenn	Lee	Sanders (Pike)
Ashcraft (Fayette)	Glover	Letson	Sessions
Bealle	Goode	Long	Smith (Clay)
Bowen, Lewis	Goodwyn	Love	Smith (Jefferson)
Bowen, L. K.	Graves	Luck	Snodgrass
Boykin	Grove	McDaniel	Stewart (Bibb)
Burns	Guy	McGowen	Stewart (Calhoun)
Byars	Hampton	Melton	Tunstall
Calloway	Hatter	Mooneyham	Tyson
Cato	Hawkins	Moorer	Varner
Coleman	Henley	Nichols	Verner
Deloney	Hodgson	Norman	Walker
Dickinson	Holcombe	Odom	Wall
Dowdle	Hornshy	Patterson	Walton
Dunwoody	Howard	Pickens	Williams
Elliott	Howze	Poole	Young
Embry	Jeter	Posey	

—79

Nays:

Messrs:

Ashcraft (Lauder ^d l)	Cook	Moxley	Thompson (Jackson)
Burton	Culver	Parker	Tiller
Christian	Henson	Sollie	Ware

—12

Mr. Fite moved to reconsider the vote by which the bill S. 244 was passed and then moved to table the motion to reconsider and the motion to table prevailed.

H. 1066. To close, vacate and annul a strip of the uniform width of seventeen and 5/10 (17.5) feet off of the south side of Virginia Avenue, running from the east line of Kentucky Street, according to the map and survey of City Development Company's subdivision of Boyles, as recorded in map book six (6), on page fifty-four (54) in the probate office of Jefferson County, Alabama, to the west line of Indiana Street, according to the map and survey known as Mountain Park and recorded in the probate office of Jefferson County, Alabama, in map book seven (7), on page twenty-five (25).

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Howze	Parker
Adcock	Fite	Jeter	Rives
Bealle	Gaines	Jones	St. John
Bowen, Lewis	Glenn	Kilborn	Smith (Jefferson)
Bowen, L. K.	Glover	Lee	Snodgrass
Boykin	Goode	Letson	Sollie
Burns	Graves	Long	Tiller
Byars	Grove	Love	Tyson
Cato	Guy	Luck	Varner
Christian	Hall	Melton	Verner
Coleman	Hatter	Moorer	Wall
Cook	Hawkins	Moxley	Walton
Culver	Henley	Nichols	Ware
Elliott	Henson	Norman	Williams
Embry	Howard	Odom	Young

—60

And the bill was ordered sent to the Senate without engrossment.

H. 1061. Relating to desertion or non-support of wives by husbands and of a child, or children, by parents in all counties of this State which now have a population of Two Hundred Thousand people, or more, according to the last Federal census, or which shall have such population, or more, according to any such census taken hereafter, and which counties now have, or which may hereafter have, a Court of Domestic Relations; to make it a misdemeanor for a husband to desert, neglect, or fail to provide for the support of his wife, or for a parent to desert, neglect, or fail to provide for the support of his or her child, or children, under eighteen years of age in such counties; to prescribe the penalty therefor; to define who are meant by parent or parents; to designate the courts which shall have original and exclusive jurisdiction to try such misdemeanors in such counties; to prescribe the procedure and authority of such courts and judges in such cases; to define the obligation of such counties in such cases; to provide for the apprehension and punishment of persons charged with or convicted of such offense; to provide for the taking of probation bonds, and directing to whom fines and proceeds of such probation bonds, when forfeited and collected, shall be paid in such cases; to provide for recording probation bonds, and the effect thereof; to provide for the appointment or designation of probation officers and prescribing their duties and authority in such cases; to provide that the sheriffs and other peace officers of such counties shall act as probation officers in certain contingencies; to determine the venue in such cases; and to prescribe the rules of evidence therein; and to fix the time when this Act shall go into effect.

Was read a third time at length and passed.
Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Gaines	Jones	Ringer
Adcock	Glenn	Kilborn	Rives
Bealle	Glover	Kilpatrick	St. John
Bowen, Lewis	Goode	Lee	Smith (Jefferson)
Boykin	Grove	Letson	Sollie
Burns	Hatter	Long	Tiller
Burton	Hawkins	Love	Tyson
Dyer	Henley	Luck	Verner
Cook	Henson	Moorer	Verner
Culver	Hodgson	Moxley	Walker
Deloney	Holcombe	Odom	Wall
Dowdle	Hornsby	Parker	Walton
Dunwoody	Howard	Pickens	Ware
Embry	Howze	Poole	Williams
Fite	Jeter	Posey	Young

—60

And the bill was ordered sent to the Senate without engrossment.

S. 71 (with an amendment). To amend Section five (5) of an act, approved September 25, 1915, and entitled, "An Act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensations."

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend S. 71 by adding the following:

"Provided that this Act shall not be construed to repeal any local or special law fixing the salaries of deputy solicitors in any county in this State," provided however this bill shall apply as to counties having a less population than 20,000 and in such counties where court is held in two places the salary of the solicitor shall be \$750.00 per annum.

And the amendment was adopted.

Yeas, 68; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Calloway	Dunwoody	Goode
Adcock	Cato	Elliott	Goodwyn
Ashcraft (Fayette)	Coleman	Embry	Graves
Ashcraft (Lauder'd'e)	Cook	Fanning	Grove
Bowen, Lewis	Culver	Ferrell	Hampton
Bowen, L. K.	Deloney	Fite	Hatter
Burns	Dowdle	Forman	Henley

Henson	McDaniel	Ringer	Stewart (Bibb)
Holcombe	McGowen	Rives	Stewart (Calhoun)
Hornsby	Melton	St. John	Thompson (Jackson)
Howard	Mooneyham	Sanders (Pike)	Tunstall
Howze	Moorer	Sessions	Tyson
Jones	Nichols	Smith (Clay)	Walker
Kilborn	Odom	Smith (Jefferson)	Wall
Letson	Patterson	Smith (Lee)	Walton
Love	Poole	Snodgrass	Ware
Luck	Posey	Sollie	Young

—68

Nays: Mr. Burton—1.

And the bill,

S. 71. To amend Section five (5) of an act, approved September 25, 1915, and entitled, "An act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensations."

As amended, was read a third time at length and passed.

Yeas, 63; nays, 2.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Howard	Ringer
Adams	Elliott	Howze	Rives
Ashcraft (Fayette)	Fanning	Jeter	St. John
Bealle	Fite	Kilborn	Sessions
Bowen, L. K.	Glenn	Letson	Smith (Jefferson)
Boykin	Goode	Long	Snodgrass
Burns	Goodwyn	Luck	Sollie
Byars	Grovc	McDaniel	Stewart (Calhoun)
Calloway	Hall	McGowen	Tiller
Cato	Hatter	Melton	Tyson
Christian	Hawkins	Moorer	Verner
Coleman	Henley	Nichols	Walker
Cook	Henson	Odom	Wall
Culver	Hodgson	Patterson	Walton
Deloney	Holcombe	Pickens	Ware
Dowdle	Hornsby	Posey	

—63

Nays: Messrs. Adcock and Burton—2.

S. 395. To make an appropriation to the Alabama School for Negro Deaf and Blind, for the purpose of constructing, repairing and equipping buildings at said school.

Was read a third time at length and passed.

Yeas, 55; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Ashcraft (Fayette)	Bowen, Lewis	Calloway
Adams	Ashcraft (Lauderd ¹)	Burns	Cato
Adcock	Bealle	Burton	Christian

Cook	Graves	Jeter	St. John
Culver	Grove	Jones	Sessions
Deloney	Hampton	Letson	Smith (Clay)
Dickinson	Hatter	Luck	Stewart (Calhoun)
Dowdle	Hawkins	McDaniel	Thompson (Jackson)
Embry	Henley	McGowen	Tunstall
Fanning	Henson	Melton	Tyson
Ferrell	Hodgson	Nichols	Walker
Gaines	Hornsby	Parker	Wall
Goode	Howard	Posey	Young
Goodwyn	Howze	Rives	

—55

Nays: Mr. Glover—1.

S. 292 (with amendment). To provide for the payment of mileage and per diem to members of certain recess committees of the Legislature of 1923.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Ways, Means and Appropriations, said committee amendment being as follows:

Amend Senate Bill No. 292 by striking out Section 2 and inserting in lieu thereof the following:

Section 2. Members of recess committees of the Legislature of 1923, who, in the discharge of the duties of such committee traveled beyond the time heretofore provided for such committees, and who expended money in such travels and have not received payment for such expenses, shall receive four cents (4c) per mile for each mile traveled on a railroad, and where the traveling was otherwise than on a railroad they shall receive the actual expenses of such travel.

And the amendment was adopted.

Yeas, 50; nays, 9.

Yeas:

Messrs:

Mr. Speaker	Embry	Letson	Smith (Jefferson)
Adams	Fanning	Love	Smith (Lee)
Adcock	Ferrell	Luck	Snodgrass
Ashcraft (Fayette)	Goodwyn	McDaniel	Sollie
Ashcraft (Lauderdl.)	Graves	McGowen	Stewart (Calhoun)
Bealle	Grove	Melton	Tiller
Bowen, Lewis	Hampton	Moorer	Tunstall
Boykin	Henley	Nichols	Walker
Burns	Holcombe	Pickens	Wall
Christian	Hornsby	Posey	Walton
Culver	Jeter	St. John	Williams
Dickinson	Jones	Sanders (Pike)	Young
Dowdle	Kilborn		

—50

Nays:

Messrs:

Burton	Hatter	Hodgson	Parker
Cook	Henson	Moxley	Thompson (Jackson)
Goode			—9

Mr. Culver offered the following amendment to the bill:

Amend Section 1 of S. 292 as follows: After the word "members" as the same appears in the second to the last line of said section, add the words "and the clerk."

And further amend as follows: After the word "members" in the first line of Section 2, add the words "and the clerks."

And the amendment was adopted.

Yeas, 49; nays, 7.

Yeas:

Messrs:

Mr. Speaker	Fanning	Jones	St. John
Adams	Ferrell	Letson	Sanders (Pike)
Ashcraft (Fayette)	Goode	McGowen	Sessions
Ashcraft (Lauderdl.)	Goodwyn	Moorer	Smith (Clay)
Bealle	Graves	Moxley	Smith (Lee)
Bowen, Lewis	Grove	Nichols	Sollie
Bowen, L. K.	Hodgson	Norman	Stewart (Bibb)
Boykin	Holcombe	Odom	Stewart (Calhoun)
Burns	Hornsby	Patterson	Tunstall
Cato	Howard	Poole	Walker
Culver	Howze	Powell	Wall
Dowdle	Jeter	Rives	Walton
Embry			—49

Nays:

Messrs:

Burton	Deloney	Hatter	Thompson (Jackson)
Cook	Gaines	Henson	—7

And the bill,

S. 292. To provide for the payment of mileage and per diem to members of certain recess committees of the Legislature of 1923.

As amended, was read a third time at length and passed.

Yeas, 56; nays, 5.

Yeas:

Messrs:

Mr. Speaker	Burton	Ferrell	Jones
Adams	Calloway	Forman	Kilborn
Adcock	Cato	Goodwyn	Kilpatrick
Ashcraft (Fayette)	Christian	Grove	Lee
Ashcraft (Lauderdl.)	Culver	Hodgson	Letson
Bealle	Dickinson	Holcombe	McGowen
Bowen, Lewis	Dowdle	Howard	Moorer
Bowen, L. K.	Embry	Howze	Nichols
Burns	Fanning	Jeter	Norman

Odom	Ringer	Snodgrass	Tunstall
Parker	Rives	Sollie	Verner
Patterson	Sanders (Pike)	Stewart (Bibb)	Walker
Posey	Smith (Jefferson)	Stewart (Calhoun)	Walton
Powell	Smith (Lee)	Tiller	Young

—56

Nays:

Messrs:

Cook

Henson

Long

Poole

Goode

—5

H. 617. To protect land owners against the burdens of increased assessments or tax raises on lands being drained in Alabama.

Was read a third time at length and passed.

Yeas, 67; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Dowdle

Howze

Posey

Adams

Elliott

Jeter

Powell

Adcock

Embry

Jones

Rives

Ashcraft (Fayette)

Fanning

Kilborn

St. John

Ashcraft (Lauderdale)

Ferrell

Lee

Sanders (Pike)

Bealle

Fite

Letson

Smith (Clay)

Blackwell

Glover

Love

Sollie

Bowen, L. K.

Goode

Luck

Stewart (Calhoun)

Boykin

Goodwyn

McGowen

Thompson (Jackson)

Burns

Grove

Moorer

Tiller

Burton

Hatter

Moxley

Tyson

Calloway

Henley

Nichols

Verner

Cato

Henson

Norman

Walker

Cook

Hodgson

Odom

Wall

Culver

Holcombe

Parker

Williams

Deloney

Hornsby

Patterson

Young

Dickinson

Howard

Pickens

—67

And the bill was ordered sent to the Senate without engrossment.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

S. 550. To repeal Section 7802 of the Code of Alabama so that Marion County, Alabama, will not have a Deputy Solicitor for the County Court.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be passed by the present Legislature of Alabama to repeal Section 7802 of the Code of Alabama, so that

Marion County, Alabama, will not have a Deputy Solicitor for the County Court.

PUBLISHER'S AFFIDAVIT.

State of Alabama, }
Marion County. }

Before me, C. E. Mitchell, Notary Public in and for said County, in state aforesaid, personally appeared P. R. Johnson, who, being duly sworn, doth depose and say that he is publisher of The Marion County News, a weekly newspaper published in the Town of Hamilton, State and County aforesaid, and that a certain advertisement (a true copy of which is hereto attached) has been published in said newspaper for 4 consecutive weeks prior to the 14th day of September, 1923, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit: No. 34, the 23rd day of August, 1923; No. 35, the 30th day of August, 1923; No. 36, the 6th day of September, 1923; No. 37, the 13th day of September, 1923.

And that there was no agreement between publisher and officer, and that the actual and lowest cost of said advertisement is \$1.86 and paid.

P. R. Johnson, Publisher.

Sworn to and subscribed before me, this 14th day of September, 1923.
(Seal)

C. E. Mitchell,
Notary Public.

Also:

S. 458. To amend Section 3319 of the Alabama Code of 1907.

Also:

By Mr. Middleton (with notice and proof):

S. 551. To repeal Sections 6696 to 6732 both inclusive of the Code of Alabama, in so far as Marion county, Alabama, is concerned, which abolishes the county court of Marion county, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be passed by the Legislature of Alabama, present session, repealing Sections 6696 to 6732, both inclusive, Code of Alabama, in so far as Marion County, Alabama, is concerned, which abolishes the County Court of Marion County, Alabama.

PUBLISHER'S AFFIDAVIT.

State of Alabama, }
Marion County. }

Before me, C. E. Mitchell, Notary Public in and for said County, in State aforesaid, personally appeared P. R. Johnson, who, being duly sworn, doth depose and say that he is publisher of The Marion County News, a weekly newspaper published in the Town of Hamilton, State and County aforesaid, and that a certain advertisement (a true copy of which is hereto attached) has been published in said newspaper for 4 consecutive weeks prior to the 14th day of September, 1923, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit: No. 34, the 23rd day of August, 1923; No. 35, the 30th day of

August, 1923; No. 36, the 6th day of September, 1923; No. 37, the 13th day of September, 1923.

And that there was no agreement between publisher and officer, and that the actual and lowest cost of said advertisement is \$2.10 and paid.

P. R. Johnson, Publisher.

Sworn to and subscribed before me, this 14th day of September, 1923.
(Seal)

C. E. Mitchell,
Notary Public.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Local Legislation, S. 550, S. 551.

Municipal Organization, S. 458.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed:

H. 960. To make an additional appropriation for the enforcement of the laws of the State.

H. 901. To create the office of an additional judge of the circuit court in all counties now or hereafter having a city with a population of more than one hundred thousand, according to the last or any subsequent Federal census, to provide for the powers, jurisdiction, authority and duties, salary and manner of payment of salary of such additional judge.

H. 735. To amend Section 1 of an Act entitled "An Act to fix the pay of grand jurors and petit jurors serving in the circuit court of Crenshaw county. To prescribe the manner of payment and to prescribe the duties of the circuit clerk and county treasurer of Crenshaw under this Act," approved September 5, 1919.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Graves the House concurred in and adopted the Senate amendment to the bill H. 960. Said Senate amendment being as follows:

Amend Section 1 of H. 960 so that it shall read as follows:

Section 1. That an additional appropriation of Fifty Thousand dollars is hereby made out of any moneys in the Treasury

not otherwise appropriated to be used by the Governor for the enforcement of the laws of the State only in emergencies making the use of the money necessary in the opinion of the Governor.

Yeas, 61; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Howard	Powell
Adams	Dowdle	Howze	Ringer
Adcock	Dunwoody	Jeter	Rives
Ashcraft (Fayette)	Elliott	Jones	St. John
Ashcraft (Lauderdl.)	Fanning	Letson	Smith (Jefferson)
Bowen, Lewis	Ferrell	Melton	Smith (Lee)
Bowen, L. K.	Forman	Moorer	Sollie
Boykin	Gaines	Moxley	Stewart (Calhoun)
Burns	Graves	Nichols	Thompson (Jackson)
Burton	Grove	Norman	Tiller
Calloway	Guy	Odom	Tyson
Cato	Henson	Parker	Verner
Christian	Hodgson	Patterson	Walker
Coleman	Holcombe	Pickens	Wall
Cook	Hornsby	Posey	Young
Culver			

—61

And on motion of Mr. Rives the House concurred in and adopted the Senate amendment to the bill H. 901, said Senate amendment being as follows:

Substitute for House Bill 901:

A bill to be entitled an Act to create the office of an additional Judge of the Circuit Court in all Circuits now or hereafter having a city with a population of more than one hundred thousand, according to the last or any subsequent Federal census; to provide for the powers, jurisdiction, authority and duties, salary and manner of payment of salary of such additional judge and to provide that the largest city in such circuit shall pay into the state and county treasury an amount equal to the salary of such judge.

Be it enacted by the Legislature of Alabama:

Section 1. That in all circuits now or hereafter having a city with a population of more than one hundred thousand according to the last or any subsequent Federal census, there is hereby created in the office of an additional judge of the Circuit Court, who shall be appointed by the Governor and who shall hold office until the next general election of state officers and until his successor shall have been elected at the next general election after his appointment and qualification; and thereafter such additional judge shall be elected at the same time and for the same terms as other circuit judges are elected in this State.

Section 2. The said additional judge herein created shall have and exercise all the jurisdiction, powers, rights and authority and shall possess all the qualifications and perform all the

duties that the other judges of the said circuit court may exercise, possess or perform, and shall be liable to all the pains, and penalties for which the other judges could be liable.

Section 3. The said additional Circuit Judge shall so long as the business of causes pending in said circuit court on appeal from Recorders' Courts in said circuit require devote all of his time to the hearing of said causes and said judge is hereby charged with the primary duty of trying and disposing of such causes appealed from said Recorders' Courts; and when said business shall not require all of his time, he shall sit in any ~~division of said Circuit Court, law, equity, or criminal, as his~~ services may be most needed, to hear and determine causes and dispose of such business as may come before him.

Section 4. The compensation of said additional judge herein created shall be the same as now or may be hereafter paid to the other judges of said Circuit Court at such time and in such installments and from the same sources and in such manner as the salaries of the other judges of said court are payable.

Section 5. The city in said circuit having the largest population in such circuit according to the last or any subsequent Federal census shall pay into the treasury of each county in said circuit monthly an amount equal to the amount which may be paid by such county on the salary of such judge and such city shall also pay into the State Treasury monthly an amount equal to the amount paid by the State on the salary of such judge.

Section 6. That if any clause, provision or section of this act is declared unconstitutional it shall not invalidate or effect any other clause, provision or section which is not in and of itself unconstitutional.

Section 7. This Act shall take effect immediately upon its passage and approval by the Governor.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Henson	Powell
Adams	Dowdle	Hodgson	Ringer
Adcock	Elliott	Hornsby	Rives
Allen	Embry	Howze	St. John
Bealle	Fite	Jeter	Sollie
Blackwell	Forman	Jones	Tiller
Bowen, Lewis	Gaines	Kilborn	Tyson
Bowen, L. K.	Glenn	Lee	Varner
Boykin	Glover	Letson	Verner
Burns	Goode	Love	Walker
Byars	Goodwyn	Luck	Wall
Cato	Grove	Melton	Walton
Cook	Guy	Pickens	Ware
Culver	Hall	Poole	Williams
Deloney	Henley	Posey	Young

And on motion of Mr. Moxley the House concurred in and adopted the Senate amendment to the bill, H. 735, said Senate amendment being as follows:

Amend the bill by striking therefrom wherever they occur the words and figures "\$2.50" and inserting in lieu thereof the figures \$3.00."

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Forman	Kilborn	Powell
Allen	Glenn	Lee	Ringer
Bealle	Glover	Letson	St. John
Boykin	Goode	Long	Sessions
Burns	Graves	Love	Sollie
Burton	Grove	Luck	Tiller
Byars	Guy	Melton	Tyson
Cato	Hall	Moorer	Varnier
Cook	Hatter	Moxley	Verner
Culver	Hawkins	Nichols	Walker
Dowdle	Henley	Odom	Wall
Elliott	Holcombe	Parker	Walton
Embry	Hornsby	Pickens	Ware
Ferrell	Howard	Poole	Williams
Fite	Howze	Posey	Young

—60

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 992. To establish an inferior court in precinct 3 in Houston County, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct to be known as Court of Common Pleas of Dothan, Alabama; to prescribe the qualifications and the term of office of the judge of said court, his compensation and the method of payment thereof; to provide for the appointment of the first judge of said court, the election of his successor at the general election held in the State in 1924 and thereafter every fourth year; to provide for the filling of any vacancy in the office of judge; to provide for the appointment of a temporary judge and his compensation in the event of the temporary absence or disqualification or disability of the regular judge; to prescribe the powers, jurisdiction and duties of said court and the judge thereof and the pains and penalties of the judge of said court; to prescribe the procedure of said court and the manner of taking appeals therefrom; to provide for the execution of the process of said court; to require all court costs, fines, forfeitures and penalties to be paid in lawful money and when collected paid to

the depository of the county and to be kept in a separate fund to be known as "The Inferior Court Fund;" to provide for the payment of the salary of the judge of the inferior court, for the necessary stationery of said court out of the inferior court fund; to provide that on the first day of January of each year after all previous claims against said fund have been paid that the excess remaining in the inferior court fund be transferred and paid into the fine and forfeiture fund of the county; to abolish the office of justice of the peace and notary public with powers of a justice of the peace in said precinct; to provide for the transfer of all cases pending in the courts of the justices of the peace and notary public with powers of justice of the peace in said precinct to the inferior court of said precinct and for the enforcement of all judgments uncollected in said courts.

H. 1015. To abolish and dissolve the municipal corporation of the town of Townley, in Walker County, Alabama.

H. 1008. To provide that in all cities in Alabama having a population of not less than 60,000 and not more than 150,000, according to the last Federal census of 1920, or any subsequent Federal census, which have adopted or may hereafter adopt the general commission form of government, the Board of Road and Revenue Commissioners, or other governing body of the respective counties may pay to the recorder for ex-officio services rendered by him in the trial of cases in the recorder's court wherein there is charged a violation of the laws of the State of Alabama, a sum not exceeding \$900.00 per annum, payable in twelve equal monthly installments out of the county treasury.

H. 1009. To fix the compensation of assistant solicitors in circuits which are composed of only one county and having more than two and less than nine circuit judges or in circuits which may hereafter be composed of only one county having more than two and less than nine circuit judges, and to provide for such compensation to be paid out of the county treasuries of the counties constituting the respective circuits.

H. 957. For the relief of Carl M. Glass, tax collector of Pickens county, Alabama.

H. 1046. To abolish the Court of County Commissioners of Choctaw County, Alabama; to establish a Board of Revenue for said county; to provide for the appointment and election of the chairman and members thereof and to prescribe and limit their duties, powers and responsibilities and fix their compensation; to divide the county of Choctaw into four Board of Revenue districts, to provide a clerk for said Board of Revenue and to fix his duties and compensation, and to prescribe penalties for the violation of the provisions of this act, and repeal all laws in conflict with the provisions of this act.

H. 1047. To impose a per capita road tax in lieu of personal service on the public roads of Choctaw County, Alabama, to provide for the collection of such tax and the disposition of the proceeds thereof; to provide for the appointment of a Road Supervisor for said county; to provide for the appointment of Road Overseers; to authorize the appointment of a Road Engineer, and to otherwise provide for the more efficient construction, maintenance and improvement of the public roads and bridges in said Choctaw County, Alabama.

H. 808. To establish a Law and Equity Court for Franklin County, to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide for trial tax fees; to provide that said court shall be open all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; to provide for an official court reporter for said court and fix his compensation; and to provide for the transfer of causes now or hereafter pending in the Circuit Court of Franklin County, Alabama, to the Law and Equity Court; to abolish the County Court of Franklin County and the office of Deputy Solicitor of Franklin County.

H. 903. To provide further for the better construction, repairing, working and maintaining of the public roads and bridges in Lawrence County, Alabama, so as to regulate and control the expenditures of the revenue obtained under the operations of an Act approved February 10, 1923, "imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels in this State; providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act," or any additional revenue from changes of or amendments to said Act during the session or sessions of the present Legislature; to provide that no part of said revenue shall be used for the payment of any debt or debts contracted or made prior to the passage of this Act; to provide for the crushing of stone and the expense thereof and the hire of a Road Foreman; to provide that beginning with January 1, 1924, not less than one-eighth of all monies obtained under this Act, changes of or amendments thereto, during any four year period, shall be used in each Commissioners District; that five per cent of the revenue so obtained for the four year period beginning January 1, 1924, shall be used in the purchase of ordinary road tools which tools shall be under the control of a bonded officer; to provide for the working of all persons subject to road duty in said county and the collection and disbursement of any moneys in lieu thereof; to provide that overseers keep a

record and make reports to the Probate Judge, that overseers may be fined for mis-use of tools or embezzlement of money; that owners of large trucks of other vehicles shall be liable if responsible for damage to bridges; that the Board of Revenue shall be prohibited from classifying and taxing wagons or other vehicles owned by the producer and used exclusively or partly in the production or handling of farm products; that all funds of the county accruing from the automobile license tax shall be used on the public roads and bridges; to provide for working convicts on roads of said county, to provide punishment for persons refusing or failing to work roads after legal warning, to provide that the Board of Revenue may impose a tax for road purposes on trucks, telegraph, telephone and express companies, sewing machine agents, lightning rod agents and circuses or traveling shows and to provide for the necessary blanks, books and stationery for the purposes of this Act.

H. 937. To require the city council of the city of Gadsden to divide the city into five wards and to provide for the election of one alderman from each ward and a mayor at the next general municipal election of the city of Gadsden to be held as now provided by law and to provide that said mayor and five aldermen shall constitute the governing board of the city of Gadsden on and after the first day of October, 1924, and to fix their term of office, their compensation and their duties and provide for the selection by the city council of a city attorney and fix his compensation.

H. 963. To provide for the election of a county treasurer of Walker County, Alabama, by the qualified electors of said county and to prescribe his duties and compensation.

H. 841. To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Walker County, Alabama; to define the duties and powers of the Court of County Commissioners, with the regard to same, and to fix penalties for the violations thereof and to provide for the payment of a per capita tax in lieu of road duty; to provide for the payment of a license or privilege tax on gasoline, and to provide for the collection thereof and penalties for violation thereof.

H. 970. To better regulate public road working in Lauderdale County, Alabama, and to require the working thereon of wagons and teams, and to prescribe punishment for violation of the Act, and to provide for disposition of fines and road tax collected under the same.

H. 953. To provide for the manner of appointing or electing a marshal or chief of police of the city of Athens, Alabama, and to provide for the fixing of his salary and term of office.

H. 950. To amend Sections 1, 2, 3, 6, 11, 17, 20, 22, 23, 24, 28, 30 and 34 of an Act of the Legislature of Alabama, entitled "An Act to provide for a better system of public roads for the county of Lamar, State of Alabama, and to provide ways and means by which said system may be maintained and effected, and to provide vehicle license and commutation fees and their manner of collection and expenditure," approved February 10, 1923.

H. 892. To establish an Inferior Court to be known as the Inferior Court of Autauga County, Alabama, in lieu of all Justices of the Peace and Notary Publics Ex-Officio Justices of the Peace in Prattville Precinct, or Precinct No. 1 of Autauga County, Alabama; to define the jurisdiction and powers of said court and the judges and other offices thereof; to provide a place for holding said court, for the terms, salaries and compensation for the judge and other officers of said court, and the manner of their appointment or election and the payment of their salaries; and to define the jurisdiction and powers of said court and the judge thereof.

H. 902. To amend Section 1 of an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the town of Sulligent in the County of Lamar, State of Alabama, approved February 12th, 1897,' approved March 4th, 1907" so as to fix, define and enlarge the boundaries of the said town of Sulligent.

H. 876. To extend the terms of office of certain members of the Commissioners Court of Lauderdale County, Alabama, and to further prescribe the terms of office of members of the Commissioners Court of said county, and the time and manner of the nomination and election of members of the Commissioners Court of said county.

H. 1010. To divide Morgan County into five school districts and to provide for the election of a Board of Education for Morgan County and to prescribe their term of office, power and duties and to provide that one member of said board shall be elected from each school district.

H. 762. To amend sections one, two and three of an Act: "To divide Montgomery county into three revenue districts; make the members of the Board of Revenue elective by districts, fix their term of office; prescribe their qualifications; to provide for the appointment of members of said board until the next general election; to prescribe the method of filling vacancies; provide a clerk for said board, fix his salary and prescribe his duties." Approved February 28th, 1907.

H. 1011. To fix the compensation of the President and members of the Board of Revenue of Morgan County, and to repeal all laws in conflict with this Act.

H. 894. To require the several county officials of Autauga County, Alabama, to secure the approval of the Board of Revenue, before making any purchases for the stationery or supplies for their respective offices.

H. 413. To provide for the collection of a per capita road tax and for a license tax on all vehicles, including vehicles propelled by animals, electricity, gasoline, or other power whatsoever, to be used for the maintenance, building, upkeep and repair of public roads and bridges in Dale County, Alabama; to prescribe the manner and means of raising or collecting such tax; to provide for and regulate the working, building, maintenance, and upkeep of the public roads and bridges and to provide and fix penalties for the violation of the provisions and purposes of this Act.

H. 1003. For the relief of M. M. Striplin, who in 1920 erected a school house in District No. 8, Lauderdale County, Alabama, according to the one teacher State building plan, at a cost of Sixteen Hundred Dollars, for which he thought the State would refund him Four Hundred Fifty Dollars upon his execution and delivery to the State of a conveyance of two acres of land on which said school building is located; and while the State has continuously used said building since its erection it has not accepted his deed nor paid him anything for said building.

H. 331. For the relief of C. L. Spain.

H. 947. To amend an Act entitled "An Act to provide a fund for support of a Law Library for the Circuit Court in counties of two hundred thousand or more inhabitants, without appropriations from the State or County Treasury." Approved September 29th, 1919.

H. 875. To fix the salaries of executive officers, known and designated as marshals, in Inferior Courts in counties having a population of 200,000 or more, according to the last or any subsequent Federal census.

H. 922. To provide for the approval of any contract or contracts, plans, specifications, architectural design and equipment for the erection of any court houses, jails and hospitals by the Court of County Commissioners and Boards of Revenue in all counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

H. 1000. To provide for the more efficient handling of juries in Circuit Courts of all counties of the State of Alabama having a population of two hundred thousand or more, according to the last or any subsequent Federal census, and to provide for the appointment of a jury, bailiff and clerk of the Circuit Court of every such county, to designate his duties and fix his compensation, and to provide for the payment of such compensation.

H. 1027. To provide for and establish in each and all counties of this State which now have a population of two hundred thousand people, or more, according to the last Federal census, or which shall hereafter have such population, or more, according to any such census hereafter taken, a court to be designated the court of domestic relations; to provide that such courts shall be courts of record; to define the jurisdiction, power and authority of such courts; to provide the means necessary, proper or convenient for the exercise thereof, and to regulate same; to provide for a senior judge, and an associate judge, or, such courts, and for such other officers and employees, as are necessary or convenient for the exercise of its jurisdiction, and for their compensation; to provide for and regulate the procedure in such courts; to authorize the senior judge of said courts to determine the form of records; to provide for appeals from said courts, and to regulate same; to fix and regulate the taxing of costs in such courts; to provide for the transfer to the jurisdiction of such courts certain causes pending in the circuit court and other courts in such counties and all causes pending in juvenile courts in such counties; and all wards and probationers of such juvenile courts in such counties; to provide that if any section, paragraph or other part of this Act shall be declared unconstitutional, that such decision shall not affect the remainder thereof; to repeal all laws and parts of laws inconsistent, or in conflict with this Act, and to designate when this Act shall take effect; and to abolish all juvenile courts in all such counties.

H. 739. To fix the compensation of circuit judges in all circuits of the State of Alabama which circuits are composed of only one county and have two judges, or which circuits may hereafter be composed of one county and have two circuit judges, and to provide that a portion of such salaries shall be paid out of the county treasury of the counties constituting the respective circuits.

H. 319. To amend Section 7814 of the Code of Alabama, 1907.

H. 575. To authorize county boards of education in the several counties of this State, to borrow money for the purpose of paying debts incurred or created by such boards, or that may be incurred or created until the first day of October, 1923, and to issue warrants therefor bearing interest at a rate not exceeding 6% per annum, payable at such time as the board may fix or to use such warrants in the payment of such debts.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bill and House Joint Resolution hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same.

Delivered to the Governor September 21, 1923, 10:50 A. M.

H. 142.

H. J. R. 238.

J. H. Stewart,
Clerk.

RECESS.

The hour of one o'clock having arrived, the House recessed until three o'clock.

AFTERNOON SESSION.

The hour of three o'clock having arrived, the House reconvened.

COMMUNICATION READ.

The following communication was read and ordered spread upon the Journal:

Montgomery, September 17, 1923.

Hon. Tyler Goodwyn,
House of Representatives,
Montgomery, Alabama.

My dear Mr. Goodwyn:

I take this first opportunity to thank you for the splendid tribute in your resolution and I wish you to please convey to the Speaker and the members of the House of Representatives my grateful appreciation of the resolution and the manner in which it comes to me during my lifetime. It is so much sweeter to hear these things while one is alive than to have them said after he is planted beneath the soil. The saying that a prophet is not without honor save in his own country is not the case in this splendid good fellowship that my fellow countrymen have given me that I might enjoy this happy time of my life. I have been the friend of the man who lives beside the road and hope that you and the rest of the members of this Legislature will live to see the boys and girls be taken out of the mud and put on the good roads of happiness, prosperity and contentment.

I desire to recall the period right after the capture of Mobile by the United States Army. I had not obtained my majority then but I raised my voice and put what was in me to defend the womanhood of our State and became a member of the Klu Klux Klan and was arrested and put into military prison before Alabama had been re-admitted into the Union, and

since the early sixties, I have been endeavoring in my humble way to rehabilitate the State of Alabama in every way. When Congressman Kelly, of Pennsylvania, came to Mobile and delivered an incendiary talk to the negroes urging them to vote, and at that time they did not want to vote or go against their white masters, I participated in that riot and was put into prison. Then Congressman Garfield, who afterwards became President, was Chairman of the Committee to investigate the matter, came to Mobile and I, not being of age, was brought before the Committee and, of course, I did not incriminate myself. I denied the charges, called for proof and would not tell anything. This, of course, was tuition and advice of John Littlesmith, our Mobile lawyer. I merely wrote this to show that I have not only been active for the cause of good roads but I have been active in many things since the reconstruction period in 1865 to do what I could for my State, county and city. My first endeavor was fighting the carpet bagger alien and our own traitors, the scalawags.

Thanking you again for the very pleasant tribute, I am

Sincerely yours,

John Craft.

BILL ON SECOND READING.

Mr. Smith of Lee, Acting Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 430. To authorize the Courts of County Commissioners, Boards of Revenue or other courts of like jurisdiction in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken, to establish two or more places of voting in the same election precincts when it is deemed necessary for the convenience of the voters therein. And to separate the list of qualified voters in groups in alphabetical order so that no group shall contain more than three hundred qualified voters. And to designate the places at which the qualified voters in such precinct shall cast their ballot and to require the Probate Judge of said counties to furnish the election managers list of qualified voters in groups as herein provided.

The above and foregoing bill was read a second time and placed upon the Calendar.

BILLS ON THIRD READING.

S. 330. To authorize the probate court to set apart and invest title absolutely in the wife and minor children of the homestead and personal property of a husband who has been absent from the said family and unheard of for ten years.

Was read a third time at length and passed.

Yeas, 58; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Jones	St. John
Adams	Ferrell	Kilborn	Sessions
Adcock	Forman	Kilpatrick	Smith (Lee)
Blackwell	Gaines	Letson	Snodgrass
Bowen, Lewis	Goode	Long	Sollie
Bowen, L. K.	Goodwyn	McDaniel	Stewart (Calhoun)
Boykin	Graves	McGowen	Tunstall
Burns	Grove	Moxley	Tyson
Burton	Hatter	Norman	Varner
Calloway	Henley	Odom	Walker
Cato	Hodgson	Pickens	Wall
Christian	Holcombe	Posey	Ware
Culver	Howard	Ringer	Williams
Dickinson	Howze	Rives	Young
Embry	Jeter		

—58

S. 129. To make an appropriation for the equipment and maintenance of the Alabama room in the Confederate Memorial Museum at Richmond, Virginia.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Howard	Powell
Adams	Dunwoody	Howze	Ringer
Adcock	Embry	Jeter	Rives
Arrington	Fanning	Jones	St. John
Ashcraft (Fayette)	Ferrell	Kilborn	Smith (Clay)
Ashcraft (Lauder ^d)	Forman	Kilpatrick	Smith (Lee)
Blackwell	Gaines	Letson	Snodgrass
Bowen, Lewis	Glover	Long	Sollie
Bowen, L. K.	Goodwyn	Luck	Stewart (Calhoun)
Boykin	Graves	McDaniel	Thompson (Jackson)
Burns	Grove	McGowen	Tunstall
Burton	Hatter	Moxley	Varner
Byars	Henley	Nichols	Walker
Calloway	Henson	Norman	Wall
Cato	Hodgson	Patterson	Ware
Culver	Holcombe	Posey	Young
Deloney	Hornsby		

—66

S. 513. To authorize and create an additional judge of the fifth judicial circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other circuit judges of the State, and to provide for the salary of said judge.

Was read a third time at length and passed.

Yeas, 61; nays, 8.

*Yeas:**Messrs:*

Mr. Speaker	Goode	Kilpatrick	Ringer
Adams	Goodwyn	Lee	Sanders (Pike)
Adcock	Graves	Letson	Smith (Clay)
Ashcraft (Fayette)	Grove	Love	Smith (Jefferson)
Ashcraft (Lauderdl.)	Guy	Luck	Smith (Lee)
Bowen, Lewis	Hatter	McDaniel	Snodgrass
Bowen, L. K.	Hawkins	McGowen	Stewart (Calhoun)
Byars	Henley	Moorer	Tunstall
Calloway	Hodgson	Nichols	Varner
Cato	Holcombe	Norman	Walker
Culver	Hornsby	Parker	Wall
Elliott	Howze	Patterson	Walton
Embry	Jeter	Pickens	Ware
Fanning	Jones	Posey	Williams
Ferrell	Kilborn	Powell	Young
Fite			

—61

*Nays:**Messrs:*

Boykin	Dickinson	Glover	Moxley
Burton	Dowdle	Long	Sollie

—8

Mr. Smith of Lee moved to reconsider the vote by which the bill passed and then moved to table his motion to reconsider and the motion to table prevailed.

S. 407. To provide for the establishment of county boards of child welfare; to define the duties, powers and functions of such boards; to provide for the employment of county superintendents of child welfare and assistants, to prescribe their duties, powers and functions, and to provide for their compensation and expenses; to provide for an office for the county board and superintendent of child welfare; to provide for the co-operation of county boards of child welfare with city boards or departments of public or child welfare; to authorize the governing body of any city, town or municipality in the county to make appropriation to aid in the payment of the salary and expenses of the county superintendent of child welfare and his assistants.

Was read a third time at length and passed.

Yeas, 55; nays, 1.

*Yeas:**Messrs:*

Mr. Speaker	Coleman	Goodwyn	Howard
Adams	Culver	Graves	Howze
Adcock	Dickinson	Grove	Jeter
Ashcraft (Fayette)	Dowdle	Hatter	Jones
Ashcraft (Lauderdl.)	Elliott	Hawkins	Kilpatrick
Bowen, Lewis	Embry	Henley	Letson
Bowen, L. K.	Fanning	Hodgson	Luck
Calloway	Ferrell	Holcombe	McDaniel
Cato	Goode	Hornsby	McGowen

Melton	Patterson	St. John	Varner
Mooneyham	Pickens	Smith (Lee)	Walker
Nichols	Posey	Sollie	Wall
Norman	Ringer	Stewart (Calhoun)	Young
Odor	Rives	Tunstall	

—55

Nays: Mr. Cooke—1.

S. 191 (with amendment). Providing for the execution of convicts, condemned to death, by electrocution; prescribing the procedure in such cases; providing the means for accomplishing the purposes of this act; and repealing all laws or parts of law in conflict herewith.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Penitentiary and Criminal Administration, said committee amendment being as follows:

Amend Senate Bill 191 by making Section 2 of said bill read as follows:

Section 2. The warden of Kilby Prison at Montgomery or in case of his death, disability or absence, his deputy shall be the executioner. In the event of the death or disability or absence of both the warden and deputy the executioner shall be that person appointed by the Board of Convict Supervisors for that purpose; provided, however, that up to and including January 1, 1927, the executioner shall be the sheriff from the county in which such convict is condemned to death or shall be the deputy of such sheriff or in the absence or disability of such sheriff or his deputy, shall be such other person as may be appointed by the Board of Convict Supervisors for that purpose; and provided further, that such sheriff, his deputy or such other person as may be appointed by the Board of Convict Supervisors to act as executioner as provided in this section shall receive for such services the same amount as is now paid by law to sheriffs for the execution of criminals.

And the amendment was adopted.

Yeas, 56; nays, 10.

Yeas:

Messrs:

Mr. Speaker	Cook	Goodwyn	McGowen
Adams	Culver	Graves	Melton
Adcock	Dickinson	Guy	Mooneyham
Ashcraft (Fayette)	Dowdle	Hodgson	Odor
Ashcraft (Lauderdale)	Elliott	Holcombe	Parker
Bowen, Lewis	Embry	Hornsby	Patterson
Bowen, L. K.	Fanning	Howze	Pickens
Boykin	Fite	Jones	Posey
Burns	Forman	Letson	Ringer
Burton	Glover	Love	St. John
Cato	Goode	McDaniel	Sanders (Pike)

Smith (Clay)	Sollie	Tunstall	Ware
Smith (Jefferson)	Stewart (Calhoun)	Tyson	Williams
Snodgrass	Thompson (Jackson)	Varner	Young

—56

Nays:

Messrs:			
Blackwell	Hawkins	Rives	Walker
Christian	Henson	Smith (Lee)	Wall
Ferrell	Moxley		

—10

And the bill,

S. 191. Providing for the execution of convicts, condemned to death, by electrocution; prescribing the procedure in such cases; providing the means for accomplishing the purposes of this Act; and repealing all laws or parts of law in conflict herewith.

As amended, was read a third time at length and passed.

Yeas, 53; nays, 10.

Yeas:

Messrs:			
Mr. Speaker	Dickinson	Howze	Posey
Adams	Dowdle	Jeter	Powell
Adcock	Elliott	Jones	Ringer
Ashcraft (Fayette)	Embry	Kilborn	St. John
Ashcraft (Lauderdl')	Fanning	Kilpatrick	Smith (Clay)
Bowen, Lewis	Glover	Lee	Sollie
Bowen, L. K.	Goode	Letson	Stewart (Calhoun)
Boykin	Goodwyn	Love	Thompson (Jackson)
Burns	Guy	McDaniel	Tyson
Calloway	Hatter	McGowen	Varner
Cato	Hodgson	Melton	Ware
Coleman	Holcombe	Mooneyham	Williams
Cook	Hornsby	Patterson	Young
Culver			

—53

Nays:

Messrs:			
Blackwell	Hawkins	Rives	Snodgrass
Christian	Henson	Smith (Lee)	Walker
Ferrell	Moxley		

—10

S. 417. To authorize and provide a fund to be known as the State Insurance Fund which is to be carried by the State Treasurer for the purpose of insuring against loss by fire or tornado all State-owned buildings or buildings in which the State has appropriated monies for the erection or equipment thereof, or which may have been deeded to the State, and all property equipment, furniture and fixtures or supplies belonging to or stored in such buildings and any and all properties of such nature as may be acquired by the State, and to this end to establish a basis for assessment and collection of premiums, to provide for a sinking

fund with which to pay losses, to provide an emergency appropriation to be used only in case of loss by fire or tornado in excess of collection of premiums, to provide for a division of the State's property into groups, to provide for return of surplus for maintenance purposes, to provide for inspection and valuation of State property and promulgate rules and regulations necessary for the operation of the Act.

Was taken up. Mr. Glenn moved to indefinitely postpone the bill and the motion was lost.

And the bill,

S. 417. To authorize and provide a fund to be known as the State Insurance Fund which is to be carried by the State Treasurer for the purpose of insuring against loss by fire or tornado all state owned buildings or buildings in which the state has appropriated monies for the erection or equipment thereof, or which may have been deeded to the state, and all property equipment, furniture and fixtures or supplies belonging to or stored in such buildings and any and all properties of such nature as may be acquired by the state, and to this end to establish a basis for assessment and collection of premiums, to provide for a sinking fund with which to pay losses, to provide an emergency appropriation to be used only in case of loss by fire or tornado in excess of collection of premiums, to provide for a division of the state's property into groups, to provide for return of surplus for maintenance purposes, to provide for inspection and valuation of state property and promulgate rules and regulations necessary for the operation of the Act.

Was read a third time at length and lost.

Yeas, 34; nays, 40.

Yeas:

Messrs:

Ashcraft (Lauderd ⁿ)	Cook	Henley	Rives
Blackwell	Culver	Henson	Sanders (Pike)
Bowen, Lewis	Deloney	Hodgson	Smith (Lee)
Bowen, L. K.	Dowdle	Hornsby	Thompson (Jackson)
Boykin	Elliott	Jeter	Tunstall
Burns	Forman	McDaniel	Walker
Burton	Gaines	McGowen	Williams
Byars	Glover	Mooneyham	Young
Christian	Goodwyn		

—34

Nays:

Messrs:

Mr. Speaker	Dickinson	Glenn	Hawkins
Adcock	Embry	Goode	Holcombe
Calloway	Fanning	Grove	Howze
Cato	Ferrell	Guy	Kilborn
Coleman	Fite	Hatter	Lee

Letson	Patterson	Smith (Clay)	Stewart (Calhoun)
Long	Pickens	Smith (Jefferson)	Tyson
Love	Posey	Snodgrass	Wall
Moxley	Ringer	Sollie	Walton
Odum	St. John	Stewart (Bibb)	Ware

—40

Mr. Fite moved to reconsider the vote by which the bill was lost and then moved to table his motion to reconsider and the motion to table prevailed.

S. 442. To authorize municipal corporations to divide the territory within the corporate limits into zones or districts and to provide the kind and character and use of structures that may be erected within the several zones and to rearrange the same from time to time and to adopt necessary ordinances to carry into effect the provisions of this Act.

Was read a third time at length and passed. .

Yeas, 58; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Henson	Odum
Ashcraft (Fayette)	Elliott	Hodgson	Patterson
Ashcraft (Lauderdl.)	Embry	Holcombe	Pickens
Blackwell	Fanning	Howze	Posey
Bowen, Lewis	Ferrell	Jeter	Powell
Bowen, L. K.	Fite	Kilborn	Ringer
Boykin	Forman	Kilpatrick	Rives
Burns	Gaines	Lee	St. John
Burton	Glenn	Letson	Smith (Clay)
Calloway	Glover	Long	Smith (Jefferson)
Cato	Goodwyn	Love	Smith (Lee)
Christian	Grove	McDaniel	Snodgrass
Cook	Guy	McGowen	Sollie
Culver	Hatter	Moxley	Stewart (Calhoun)
Dickinson	Henley		

—58

Nays: Mr. Coleman—1.

UNFINISHED BUSINESS.

S. 332 (with amendment). To establish a board of revenue for the county of Winston, to consist of five members, one of whom shall be president thereof, in lieu of the commissioners' court of said county; and to confer on said board of revenue all the powers, jurisdiction, and prescribing for it all the duties of the commissioners' court of said county, and otherwise defining its jurisdiction, powers and duties; providing for the appointment of the members of said board, prescribing their terms of office and providing for the appointment of members of said board to hold office after the expiration of the terms of office of the first members of said board and prescribing their terms of

office, providing for the appointment of a clerk of said board and defining his duties, powers and compensation; providing for the compensation of the members of said board; and abolishing the court of county commissioners of said county.

Was taken up. On motion of Mr. St. John the further consideration of the bill and amendment was postponed until the next Legislative Day.

S. 375. To subject the salary of officials or employees of a city, county or State government to writs of garnishment, and to provide how and upon whom such writs may be served.

~~Was taken up.~~ Mr. Howze offered the following amendment to the bill:

Amend the title of Senate Bill No. 375 so that said title will read as follows:

A bill to be entitled, An Act to subject the salary of officials and employees of a city, county or state government, or any department or institution thereof, to writs of garnishment, issued on judgments ex-contractu founded upon debts, demands or claims, which originated subsequent to the date of approval of this Act; to provide upon whom such writs may be served, and how answered; and to provide for service of writ upon an official or agent of the State, the answer to said writ by such agent or official, the judgment thereon, and the legal effect of such service, and judgment.

And the amendment was adopted.

Yeas, 54; nays, 2.

Yeas:

Messrs:

Mr. Speaker	Embry	Kilborn	Smith (Clay)
Ashcraft (Fayette)	Fanning	Long	Smith (Jefferson)
Ashcraft (Lauderdl.)	Fite	Love	Smith (Lee)
Bowen, Lewis	Glenn	McDaniel	Sollie
Bowen, L. K.	Goode	Moxley	Stewart (Calhoun)
Burns	Grove	Odom	Thompson (Jackson)
Burton	Henley	Parker	Tyson
Byars	Henson	Posey	Walker
Cato	Hodgson	Powell	Wall
Cook	Holcombe	Ringer	Walton
Culver	Hornsby	Rives	Ware
Dickinson	Howze	St. John	Williams
Dowdle	Jeter	Sanders (Pike)	Young
Elliott	Jones		

—54

Nays: Messrs. Goodwyn and Snodgrass—2.

Mr. Howze offered the following amendment to the bill:

Amend Senate Bill No. 375 as follows:

At the end of Section 1, begin with the words "Or decree on which execution can issue," and amend by inserting comma

after the word "decree," and inserting comma after the word "issue," and then add the following words: "rendered in actions on contracts, or growing out of contracts express or implied, and being judgments ex-contractu.

Provided, however, that the judgment, on which such writ can issue, must be founded upon a debt, demand or claim against said defendant, which originated subsequent to the date of the approval of this Act, and the salary herein referred to is not subject to writ of garnishment issued on judgments ex-delicto."

And the amendment was adopted.

Yeas, 59; nays, 2.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Kilpatrick	Rives
Ashcraft (Fayette)	Embry	Lee	St. John
Ashcraft (Lauderd'e)	Fanning	Letson	Sanders (Pike)
Blackwell	Ferrell	Long	Smith (Clay)
Bowen, Lewis	Glenn	Love	Smith (Jefferson)
Bowen, L. K.	Goode	McDaniel	Smith (Lee)
Boykin	Grove	McGowen	Sollie
Burns	Henley	Melton	Stewart (Calhoun)
Burton	Henson	Moxley	Tyson
Byars	Hodgson	Nichols	Walker
Cato	Holcombe	Odom	Wall
Coleman	Hornsby	Parker	Walton
Cook	Howze	Posey	Ware
Culver	Jeter	Powell	Williams
Dickinson	Kilborn	Ringer	

—59

Nays: Messrs. Goodwyn and Guy—2.

And the bill,

S. 375. To subject the salary of officials or employees of a city, county or State government to writs of garnishment, and to provide how and upon whom such writs may be served.

As amended, was read a third time at length and passed.

Yeas, 59; nays, 2.

Yeas:

Messrs:

Mr. Speaker	Cook	Henson	McDaniel
Adcock	Culver	Hodgson	McGowen
Ashcraft (Fayette)	Dickinson	Holcombe	Melton
Ashcraft (Lauderd'e)	Dowdle	Hornsby	Moxley
Bowen, Lewis	Embry	Howze	Odom
Bowen, L. K.	Fanning	Jeter	Parker
Boykin	Ferrell	Jones	Posey
Burns	Glenn	Kilborn	Powell
Burton	Glover	Lee	Ringer
Byars	Grove	Letson	Rives
Cato	Hampton	Long	St. John
Christian	Henley	Love	Sanders (Pike)

Smith (Lee)	Thompson (Jackson)	Walton	Williams
Sollie	Tyson	Ware	Wyatt
Stewart (Calhoun)	Walker	Mrs. Wilkins	Young

—59

Nays: Messrs. Goodwyn and Snodgrass—2.

ADJOURNMENT.

On motion of Mr. St. John, under a Senate Joint Resolution heretofore adopted, the House adjourned until Tuesday, September 25th at 10 o'clock A. M.

FORTY-NINTH DAY.

House of Representatives,
Tuesday, September 25th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Adams of the House.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:			
Mr. Speaker	Dunwoody	Howard	Pickens
Adams	Elliott	Howze	Poole
Adcock	Embry	Jeter	Posey
Allen	Fanning	Jones	Powell
Arrington	Ferrell	Kilborn	Ringer
Ashcraft (Fayette)	Fite	Kilpatrick	Rives
Ashcraft (Lauder ^d l)	Forman	Lee	Rountree
Blackwell	Gaines	LeMaistre	St. John
Bowen, Lewis	Glenn	Letson	Sanders (Conecuh)
Bowen, L. K.	Glover	Long	Sanders (Pike)
Boykin	Goode	Love	Sessions
Burns	Goodwyn	Luck	Smith (Clay)
Burton	Graves	McDaniel	Smith (Jefferson)
Byars	Grove	McGowen	Smith (Lee)
Calloway	Guy	Melton	Snodgrass
Cato	Hall	Mooneyham	Sollie
Christian	Hatter	Moorer	Stewart (Bibb)
Coleman	Hawkins	Moxley	Stewart (Calhoun)
Cook	Henley	Nichols	Thompson (Etowah)
Culver	Henson	Norman	Thompson (Jackson)
Deloney	Hodgson	Odum	Tiller
Dickinson	Holcombe	Parker	Tunstall
Dowdle	Hornsby	Patterson	Tyson

Varnier
Verner
Walker

Wall
Walton

Ware
Mrs. Wilkins

Williams
Young

—101

A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said committee has carefully examined the Journal of the House for the Forty-eighth Legislative Day, and finds same correct.

O. W. Melton,
Chairman.

The report of the committee was concurred in and adopted and the Journal for the Forty-eighth Legislative Day was approved.

LEAVE OF ABSENCE.

Was granted to Mr. Hubbard and Mr. Hampton indefinitely.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 605. To authorize county boards of education in counties of two hundred thousand (200,000) or more population according to the Federal census of 1920 or any subsequent Federal census; to create and maintain pension funds for teachers; to make and collect assessments against teachers' salaries to be placed to the credit of pension funds; to accept gifts and bequests to pension funds; and to require said boards of education to retire on pension teachers who meet conditions hereinafter set forth.

Also:

H. 192. To regulate the sale, giving away, or other disposition of drugs, medicines, or poisons in this State, and to provide for the creation of a board of pharmacy for service in connection with such sale, giving away, or other disposition.

Also:

H. 539. To provide for and create a lien in favor of all owners of peanut machines or pickers in the State of Alabama; to provide for the enforcement of such lien.

Also:

H. 782. To provide further for appropriations to the State Board of Health for the purpose of promoting further the public health of the State and the several counties thereof.

Also:

H. 739. To fix the compensation of circuit judges in all circuits of the State of Alabama which circuits are composed of only one county and have two judges, or which circuits may hereafter be composed of one county and have two circuit judges, and to provide that a portion of such salaries shall be paid out of ~~the county treasury of the counties constituting the respective~~ circuits.

Also:

H. 970. To better regulate public road working in Lauderdale county, Alabama, and to require the working thereon of wagons and teams, and to prescribe punishment for violation of the Act, and to provide for disposition of fines and road tax collected under the same.

Also:

H. 413. To provide for the collection of a per capita road tax and for a license tax on all vehicles, including vehicles propelled by animals, electricity, gasoline, or other power whatsoever, to be used for the maintenance, building, upkeep and repair of public roads and bridges in Dale county, Alabama; to prescribe the manner and means of raising or collecting such tax; to provide for and regulate the working, building, maintenance, and upkeep of the public roads and bridges and to provide and fix penalties for the violation of the provisions and purposes of this Act.

Also:

H. 1010. To divide Morgan county into five school districts and to provide for the election of a board of education for Morgan county and to prescribe their term of office, power and duties and to provide that one member of said board shall be elected from each school district.

Also:

H. 876. To extend the terms of office of certain members of the commissioners court of Lauderdale county, Alabama, and to further prescribe the terms of office of members of the commissioners court of said county, and the time and manner of the nomination and election of members of the commissioners court of said county.

Also:

H. 808. To establish a Law and Equity Court for Franklin County, to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide for trial tax fees; to provide that said court shall be open all times for the trial of cases and transaction of business; prescribing

rules and procedure of said court; to provide for an official court reporter for said court and fix his compensation; and to provide for the transfer of causes now or hereafter pending in the Circuit Court of Franklin County, Alabama, to the Law and Equity Court; to abolish the County Court of Franklin County and the office of Deputy Solicitor of Franklin County.

Also:

H. 735. To amend section 1 of an Act entitled "An Act to fix the pay of grand jurors and petit jurors serving in the circuit court of Crenshaw county. To prescribe the manner of payment and to prescribe the duties of the circuit clerk and county treasurer of Crenshaw under this Act," approved September 5, 1919.

Also:

H. 902. To amend section 1, of an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the town of Sulligent in the county of Lamar, State of Alabama, approved Feb. 12th, 1897,' approved March 4th, 1907" so as to fix, define and enlarge the boundaries of the said town of Sulligent.

Also:

H. 892. To establish an Inferior Court to be known as the Inferior Court of Autauga County, Alabama, in lieu of all Justices of the peace and notary publics ex-officio justices of the peace in Prattville precinct, or precinct No. 1 of Autauga county, Alabama; to define the jurisdiction and powers of said court and the Judges and other officers thereof; to provide a place for holding said court, for the terms, salaries and compensation for the Judge and other officers of said Court, and the manner of their appointment or election and the payment of their salaries; and to define the jurisdiction and powers of said court and the judge thereof.

Also:

H. 901. To create the office of an additional judge of the circuit court in all counties now or hereafter having a city with a population of more than one hundred thousand, according to the last or any subsequent Federal census, to provide for the powers, jurisdiction, authority and duties, salary and manner of payment of salary of such additional judge.

Also:

H. 1009. To fix the compensation of assistant solicitors in circuits which are composed of only one county and having more than two and less than nine circuit judges or in circuits which may hereafter be composed of only one county having more than two and less than nine circuit judges, and to provide for such compensation to be paid out of the county treasuries of the counties constituting the respective circuits.

Also:

H. 1008. To provide that in all cities in Alabama having a population of not less than 60,000 and not more than 150,000, according to the last Federal census of 1920, or any subsequent Federal census, which have adopted or may hereafter adopt the general commission form of government, the board of road and revenue commissioners, or other governing body of the respective counties may pay to the recorder for ex-officio services rendered by him in the trial of cases in the recorder's court wherein there is charged a violation of the laws of the State of Alabama, a sum ~~not exceeding \$900.00 per annum, payable in twelve equal monthly~~ installments out of the county treasury.

Also:

H. 1011. To fix the compensation of the president and members of the board of revenue of Morgan county, and to repeal all laws in conflict with this Act.

Also:

H. 1015. To abolish and dissolve the municipal corporation of the town of Townley, in Walker county, Alabama.

Also:

H. 875. To fix the salaries of executive officers, known and designated as marshals, in inferior courts in counties having a population of 200,000 or more, according to the last or any subsequent Federal census.

Also:

H. 922. To provide for the approval of any contract or contracts, plans, specifications, architectural design and equipment for the erection of any court houses, jails and hospitals by the court of county commissioners and boards of revenue in all counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

Also:

H. 575. To authorize county boards of education in the several counties of this State, to borrow money for the purpose of paying debts incurred or created by such boards, or that may be incurred or created until the first day of October, 1923, and to issue warrants therefor bearing interest at a rate not exceeding 6% per annum, payable at such time as the board may fix or to use such warrants in the payment of such debts.

Also:

H. 937. To require the city council of the city of Gadsden to divide the city into five wards and to provide for the election of one Alderman from each ward and a Mayor at the next general municipal election of the city of Gadsden to be held as now provided by law and to provide that said Mayor and five Aldermen shall constitute the governing board of the city of

Gadsden on and after the first day of October, 1924, and to fix their term of office, their compensation and their duties and provide for the selection by the city council of a City Attorney and fix his compensation.

Also:

H. 963. To provide for the election of a county treasurer of Walker county, Alabama, by the qualified electors of said county and to prescribe his duties and compensation.

Also:

H. 841. To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Walker county, Alabama; to define the duties and powers of the court of county commissioners, with the regard to same, and to fix penalties for the violations thereof and to provide for the payment of a per capita tax in lieu of road duty; to provide for the payment of a license or privilege tax on gasoline and to provide for the collection thereof and penalties for violation thereof.

Also:

H. 1000. To provide for the more efficient handling of juries in circuit courts of all counties of the State of Alabama having a population of two hundred thousand or more, according to the last or any subsequent Federal census, and to provide for the appointment of a jury bailiff and clerk of the circuit court of every such county, to designate his duties and fix his compensation, and to provide for the payment of such compensation.

Also:

H. 1027. To provide for and establish in each and all counties of this State which now have a population of two hundred thousand people, or more, according to the last Federal census, or which shall hereafter have such population, or more, according to any such census hereafter taken, a court to be designated the court of domestic relations; to provide that such courts shall be courts of record; to define the jurisdiction, power and authority of such courts; to provide the means necessary, proper or convenient for the exercise thereof, and to regulate same; to provide for a senior judge, and an associate judge, or such courts, and for such other officers and employees, as are necessary or convenient for the exercise of its jurisdiction, and for their compensation; to provide for and regulate the procedure in such courts; to authorize the senior judge of said courts to determine the form of records; to provide for appeals from said courts, and to regulate same; to fix and regulate the taxing of costs in such courts; to provide for the transfer to the jurisdiction of such courts certain causes pending in the circuit court and other courts in such counties and all causes pending in juvenile courts in such counties; and all wards and probationers of such juvenile courts

in such counties; to provide that if any section, paragraph or other part of this Act shall be declared unconstitutional, that such decision shall not affect the remainder thereof; to repeal all laws and parts of laws inconsistent, or in conflict with this Act, and to designate when this Act shall take effect; and to abolish all juvenile courts in all such counties.

Also:

H. 1003. For the relief of M. M. Striplin, who in 1920 erected a school house in district No. 8, Lauderdale county, Alabama, according to the one teacher State building plan, at a cost of sixteen hundred dollars, for which he thought the State would refund him four hundred fifty dollars upon his execution and delivery to the State of a conveyance of two acres of land on which said school building is located; and while the State has continuously used said building since its erection it has not accepted his deed nor paid him anything for said building.

Also:

H. 903. To provide further for the better construction, repairing, working and maintaining of the public roads and bridges in Lawrence County, Alabama, so as to regulate and control the expenditures of the revenue obtained under the operations of an Act approved February 10, 1923, "imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels in this State; providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act," or any additional revenue from changes of or amendments to said Act during the session or sessions of the present Legislature; to provide that no part of said revenue shall be used for the payment of any debt or debts contracted or made prior to the passage of this Act; to provide for the crushing of stone and the expense thereof and the hire of a Road Foreman; to provide that beginning with January 1, 1924, not less than one-eighth of all monies obtained under this Act, changes of or amendments thereto, during any four year period, shall be used in each Commissioners District; that five per cent of the revenue so obtained for the four year period beginning January 1, 1924, shall be used in the purchase of ordinary road tools which tools shall be under the control of a bonded officer; to provide for the working of all persons subject to road duty in said county and the collection and disbursement of any moneys in lieu thereof; to provide that overseers keep a record and make reports to the Probate Judge, that overseers may be fined for mis-use of tools or embezzlement of money; that owners of large trucks or other vehicles shall be liable if responsible for damage to bridges; that the Board of Revenue shall be

prohibited from classifying and taxing wagons or other vehicles owned by the producer and used exclusively or partly in the production or handling of farm products; that all funds of the county accruing from the automobile license tax shall be used on the public roads and bridges; to provide for working convicts on roads of said county, to provide punishment for persons refusing or failing to work roads after legal warning, to provide that the Board of Revenue may impose a tax for road purposes on trucks, telegraph, telephone and express companies, sewing machine agents, lightning rod agents and circuses or traveling shows and to provide for the necessary blanks, books and stationery for the purposes of this Act.

Also:

H. 992. To establish an inferior court in precinct 3 in Houston county, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct to be known as court of common pleas of Dothan, Alabama; to prescribe the qualifications and the term of office of the judge of said court, his compensation and the method of payment thereof; to provide for the appointment of the first judge of said court, the election of his successor at the general election held in the State in 1924 and thereafter every fourth year; to provide for the filling of any vacancy in the office of judge; to provide for the appointment of a temporary judge and his compensation in the event of the temporary absence or disqualification or disability of the regular judge; to prescribe the powers, jurisdiction and duties of said court and the judge thereof and the pains and penalties of the judge of said court; to prescribe the procedure of said court and the manner of taking appeals therefrom to provide for the execution of the process of said court; to require all court costs, fines, forfeitures and penalties to be paid in lawful money and when collected paid to the depository of the county and to be kept in a separate fund to be known as "The Inferior Court Fund;" to provide for the payment of the salary of the judge of the inferior court, for the necessary stationery of said court out of the inferior court fund; to provide that on the first day of January of each year after all previous claims against said fund have been paid that the excess remaining in the inferior court fund be transferred and paid into the fine and forfeiture fund of the county; to abolish the office of justice of the peace and notary public with powers of a justice of the peace in said precinct; to provide for the transfer of all cases pending in the courts of the justices of the peace and notary public with powers of justice of the peace in said precinct to the inferior court of said precinct and for the enforcement of all judgments uncollected in said courts.

Also:

H. 894. To require the several county officials of Autauga county, Alabama, to secure the approval of the board of revenue, before making any purchases for the stationery or supplies for their respective offices.

Also:

H. 947. To amend an Act entitled "An Act to provide a fund for support of a law library for the circuit court in counties of two hundred thousand or more inhabitants, without appropriations from the State or county treasury." Approved September 29th, 1919.

Also:

H. 1046. To abolish the court of county commissioners of Choctaw county, Alabama; to establish a board of revenue for said county; to provide for the appointment and election of the chairman and members thereof and to prescribe and limit their duties, powers and responsibilities and fix their compensation; to divide the county of Choctaw into four board of revenue districts; to provide a clerk for said board of revenue and to fix his duties and compensation, and to prescribe penalties for the violation of the provisions of this Act, and repeal all laws in conflict with the provisions of this Act.

Also:

H. 1047. To impose a per capita road tax in lieu of personal service on the public roads of Choctaw county, Alabama, to provide for the collection of such tax and the disposition of the proceeds thereof; to provide for the appointment of a road supervisor for said county; to provide for the appointment of road overseers; to authorize the appointment of a road engineer, and to otherwise provide for the more efficient construction, maintenance and improvement of the public roads and bridges in said Choctaw county, Alabama.

Also:

H. 960. To make an additional appropriation for the enforcement of the laws of the State.

Also:

H. 319. To amend section 7814 of the Code of Alabama, 1907.

Also:

H. 953. To provide for the manner of appointing or electing a marshal or chief of police of the city of Athens, Alabama, and to provide for the fixing of his salary and term of office.

Also:

H. 1018. To make an appropriation for the necessary repair, maintenance and furnishing of the Governor's mansion.

Also:

H. 379. To designate a certain public road of Alabama as a State trunk road and to provide the manner in which said road shall be located, improved and maintained.

H. 648. To propose to amend section 194½ of the Constitution of Alabama so as to exempt certain persons who served in the military or naval service of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes and to qualify such persons to vote or hold office in the State of Alabama and to order an election by the qualified electors of the State upon such proposed amendment to be held "at the next general election after the final adjournment of the present session of the Legislature."

H. 534. To provide for the relief of H. W. Slaughter, of Baldwin county, Alabama, whereas, under date of July 30th, 1900, W. S. White, as auditor of the State of Alabama, did issue a deed conveying all the right and title of the State of Alabama in the following described lands: All section No. 31, township 3 N., range 2 E., 572 acres, and all fractional of lot B, section 30, township 3 N., range 2 E., 92 acres, lying and being situated in Baldwin county, Alabama, to H. W. Slaughter, his heirs and assigns forever, and whereas, the said H. W. Slaughter did pay to the State treasury the sum of \$68.00 as evidenced on page 26 of the State Auditor's report for the fiscal year ending Sept. 30, 1900, and whereas, the said State Auditor did issue his warrant No. 30451, as evidenced on page 107 of the report supra, in favor of Chas. Hall, probate judge of Baldwin county, Alabama, in the sum of \$32.48, this being the county's part of the proceeds of the above sale. And whereas, under date of July 17, 1923, G. L. Lambert, probate judge of Baldwin county, Alabama did issue a certificate showing that the above lands were homestead entries under the laws of the Federal government during the years 1907 to 1911 as shown in Tract Book No. 1, page 39, Baldwin county; and whereas, the above sale was erroneous; and whereas, the time limit has expired for the auditor to make refund in the regular course, now therefore.

H. 950. To amend sections 1, 2, 3, 6, 11, 17, 20, 22, 23, 24, 28, 30 and 34 of an Act of the Legislature of Alabama, entitled "An Act to provide for a better system of public roads for the county of Lamar, State of Alabama, and to provide ways and means by which said system may be maintained and effected, and to provide vehicle license and commutation fees and their manner of collection and expenditure," approved February 10, 1923.

Also:

H. 762. To amend sections one, two and three of an Act: "To divide Montgomery county into three revenue districts;

make the members of the board of revenue elective by districts, fix their term of office; prescribe their qualifications; to provide for the appointment of members of said board until the next general election; to prescribe the method of filling vacancies; provide a clerk for said board, fix his salary and prescribe his duties." Approved February 28th, 1907.

Also:

H. 883. To provide for the payment and to make legal all claims, scrip and certificates issued to witnesses and officers heretofore registered with the treasurer of Tallapoosa county, and to authorize, empower and direct the treasurer of said county to pay the same out of the fine and forfeiture fund of said county in the order of registration.

Also:

H. 756. To alter and rearrange the boundaries of the town of Ashford, Houston county, Alabama.

Also:

H. 957. For the relief of Carl M. Glass, tax collector of Pickens county, Alabama.

Also:

H. 823. To provide for the election of county superintendent of education for Clay county, Alabama, to fix his term of office, to prescribe his salary and the manner of payment; to define his qualifications, powers and duties, and to provide for the election of his successor in office.

Also:

H. 941. To provide for the establishing, construction and maintaining of public roads and bridges in Cullman county, Alabama; creating a highway commission for said county, and defining its powers, jurisdiction and duties.

Also:

H. 878. To fix the time for holding the jury terms of the county court of Lawrence county, Alabama.

Also:

H. 570. To provide a general system of legislation pertaining to agriculture and industries, and related subjects, including therein: the establishment of a Department of Agriculture and Industries; a State Board of Agriculture; the abolishment of the Board of Agriculture as provided by an Act approved February 11, 1911, and known as the Board of Agriculture; the abolishment of the Board provided for by Chapter 24 of the Code of 1907, as subsequently amended and known as the State Board of Horticulture; and the abolishment of a Board provided for by Article 4 of Chapter 22 of the Code of 1907, as subsequently amended and known as the State Livestock Sanitary

Board; the transfer of all the powers and duties vested in and required to be performed by the said boards abolished, and of any unexpended balances of fees or appropriations to the said Board created in this Act; the prescribing of the powers and duties of the Commissioner of Agriculture and Industries, and of the State Board of Agriculture; and including ample provisions governing and regulating the subjects of fertilizers and fertilizer materials; limestone; white lead or paints, linseed oil, and turpentine; kerosene and other illuminating oils; insecticides and fungicides; commercial feeds; agricultural seeds; eggs; vinegar; sausage, imitation butter and cheese; milk, cream, ice cream and other dairy products, and the premises thereof; foods and drugs; corn meal; mills and millers; bees and honey; weights and measures, and the legal weights and measures of certain commodities; public gins; cotton; cotton standards and public cotton classers; public warehouses; uniform law of warehouse receipts; horticultural and floracultural products; trees, fruit trees, seeds, plants and vines as to name, variety and kind; citrus fruits; sale of farm produce by the producer; standards for agricultural products and their containers; standards for grain; livestock; livestock pedigrees, estrays; the sale of farm produce on commission; the leveeing, ditching and draining of wet, swamp and overflowed lands; the purchase and support of experimental farms by counties; the approval and support of county agents; the establishment of an Agricultural Fund in the State Treasury out of the sums accruing from the operation of the provisions of this Act, and the appropriations from said fund, for the support of these provisions; and the repeal of all laws and parts of laws in conflict with the provisions of this Act.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills and resolution, your signature thereto is requested:

S. 407. To provide for the establishment of county boards of child welfare; to define the duties, powers and functions of such boards; to provide for the employment of county superintendents of child welfare and assistants, to prescribe their duties, powers and functions, and to provide for their compensation and expenses; to provide for an office for the county board and superintendent of child welfare; to provide for the co-operation of county boards of child welfare with city boards or departments of public or child welfare; to authorize the governing body of any city, town or municipality in the county to make appropriation to aid in the payment of the salary and expenses of the county superintendent of child welfare and his assistants.

S. 330. To authorize the probate court to set apart and invest title absolutely in the wife and minor children of the homestead and personal property of a husband who has been absent from the said family and unheard of for ten years.

S. 513. To authorize and create an additional judge of the fifth judicial circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other circuit judges of the State, and to provide for the salary of said judge.

S. 395. To make an appropriation to the Alabama School for Negro Deaf and Blind, for the purpose of constructing, repairing and equipping buildings at said school.

S. 129. To make an appropriation for the equipment and maintenance of the Alabama room in the Confederate Memorial Museum at Richmond, Virginia.

S. 261. To provide for and prescribe the method whereby any bank or banking association organized under the laws of the United States may be converted into a State banking corporation.

S. 260. To amend section 21 of an Act entitled, "An Act to amend sections 1 and 2 and 5 of an Act entitled, 'An Act to amend the title and sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46, and to repeal sections 31 and 32 of an Act entitled, 'An Act to create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited Acts relating thereto, approved March 2, 1911,' approved February 15, 1915."

S. 266. To prohibit derogatory statements affecting any bank doing business in this State and to prevent the libel or slander of any such bank, and to provide for the punishment for the violation of this Act.

S. 215. To amend section 8 of an Act entitled "An Act to incorporate the Farmers Mutual Insurance Association of the State of Alabama."

S. 171. For the promotion of medical science by the distribution and use of unclaimed dead human bodies for scientific study through a board created for that purpose.

S. 437. To require the clerk of the Supreme Court, and the clerk of the Court of Appeals to furnish the circuit judges in all cases and the circuit solicitors in criminal cases of the various circuits of this State, copies of opinions in all cases appealed from their circuits.

S. 187. To authorize cities and towns to reduce the area thereof and to re-establish and define their corporate limits and have a map or plat thereof made and recorded in the probate office of the county in which such city or town is situated, and to mark the boundaries of such city or town by proper landmarks.

S. 462. To authorize any literary society, social society, Young Men's Christian Association, or Young Women's Christian Association, to convey the title to real estate belonging to it, and to prescribe the proceedings to authorize the execution of the deed, and to prescribe the prima facie evidence of the authority to execute the deed, and to authorize a certified copy of the minutes of the meeting authorizing the execution of the conveyance to be recorded in the office of the judge of probate where the property is situated, and to prescribe the effect thereof.

S. 231. To validate and legalize elections heretofore held under the provisions of an Act of the Legislature approved February 13, 1919, entitled, "An Act to provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county; to authorize any school district, in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such school district; and to authorize boards of education to issue interest bearing warrants to erect, repair and equip school buildings and to otherwise improve school facilities."

S. J. R. 157. Relating to aid by public service commission in securing survey by Federal government of the rivers of Alabama.

S. 442. To authorize municipal corporations to divide the territory within the corporate limits into zones or districts and to provide the kind and character and use of structures that may be erected within the several zones and to rearrange the same from time to time and to adopt necessary ordinances to carry into effect the provisions of this Act.

S. 244. To repeal sections 4594, 4595 and 4596 of the Code of Alabama, and also an Act entitled "An Act to amend sections

4594 and 4595 of the Code of Alabama," approved April 7th, 1911.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and Senate joint resolution, the titles to which are set out in the above and foregoing message from the Senate.

BILLS ON SECOND READING.

Mr. Luck, chairman of the Standing Committee on Local Legislation, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 237. To authorize courts of county commissioners, boards of revenue or other courts of like jurisdiction of all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken, to work county convicts anywhere within this State; to authorize the governing bodies of said counties to employ the necessary guards to prevent the escape of convicts, and to procure medical treatment for convicts so employed and to purchase the necessary cells, equipment, and to acquire by lease or purchase lands or other property, real or personal, necessary to carry out the provisions of this Act; and to provide that the net proceeds derived from the working of said convicts shall be used for working, grading, building and maintaining the public roads and bridges of said counties.

S. 550. To repeal section 7802 of the Code of Alabama so that Marion county, Alabama, will not have a deputy solicitor for the county court.

S. 551. To repeal sections 6696 to 6732 both inclusive of the Code of Alabama, in so far as Marion county, Alabama, is concerned, which abolishes the county court of Marion county, Alabama.

The above and foregoing bills were severally read a second time and placed on the calendar.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Walton:

H. R. 242. Whereas, by the provisions of what is known as the "Agricultural Code" recently passed by the present Legisla-

ture of Alabama, the Governor is required to appoint as members of the board of agriculture created by such statute three general farmers;

And whereas, it is the sense of the House that persons appointed as general farmers should be men who actually engage in farming as an occupation and for a living, and who have demonstrated their ability to successfully operate and conduct a farm;

And whereas, Mr. S. M. Dunwoody, of Columbia, and R. J. Goode of Gastonburg, possess in a marked degree all of the requirements and qualifications heretofore mentioned, and has demonstrated their ability as practical farmers as well as their capacity to practically apply scientific methods to farm work;

Therefore, be it resolved by the House,

That the said S. M. Dunwoody and R. G. Goode are hereby recommended to the Governor for favorable consideration as members of said State Agriculture Board.

Be it further resolved,

That a copy of this resolution be immediately furnished the Governor upon its passage by the House.

The rules were suspended and the resolution was adopted.

By Rules Committee:

H. R. 243. Resolved, That at twelve o'clock noon today the call of counties be had for the passage of local bills and that each member be entitled to call up one local bill for passage.

And the resolution was adopted.

By Rules Committee:

H. R. 244. Resolved, That the following Senate bills, in the order named, be made special, paramount, continuing orders of business for today and the same to take precedence over all special orders heretofore made:

S. 243.

S. 242.

S. 149.

S. 373.

S. 433.

S. 449.

S. 457.

S. 311.

S. 388.

S. 379.

S. 113.

S. 460.

S. 131.

S. 46.

S. 283.

S. 227.

S. 383.
S. 473.
S. 302.
S. 427.
S. 323.
S. 478.
S. 295.
S. 190.
S. 428.
~~S. 196.~~
S. 304.
S. 305.
S. 306.
S. 328.
S. 134.
S. 338.
S. 192.
S. 312.
S. 313.
S. 313.
S. 314.
S. 315.
S. 316.
S. 159.
S. 309.
S. 36.
S. 179.
S. 284.
S. 406.
S. 269.

And the resolution was adopted.

By Mr. Lewis Bowen:

H. J. R. 245. Be it resolved by the House, the Senate concurring, That a committee be, and is hereby appointed, consisting of three (3) members of the House, to be appointed by the Speaker of the House, and two (2) members of the Senate to be appointed by the President of the Senate, whose duty it shall be to investigate workmen's compensation and the present workmen's compensation Act. Said committee shall be empowered to employ one clerk, or stenographer, who shall receive the same per diem allowance and mileage as a member of such committee.

Be it further resolved, That such committee shall convene for the above mentioned purpose, and shall render a report to the next extra session, if there be one called, if not, to the next regular session of the Legislature, as to their findings and recommendations.

Be it further resolved, That such committee, so created, shall receive the same per diem and mileage as the members of the Legislature now receive by law, provided that no compensation shall be allowed for more than twenty (20) days.

And the resolution was referred to the Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the following House bill:

H. 713. To abolish the office of jury commissioners and the jury commission as now constituted in and for Coffee county, Alabama and to impose on the county commissioners of Coffee county, Alabama, the performance of all the duties and acts now required of the jury commissioners and the jury commission of said county, which duties are prescribed in the Act of the Legislature of Alabama, approved August 31, 1909; and to fix compensation of said county commissioners of said county for performance of such duties.

By a vote of a majority of the whole number elected to the Senate; said vote being 20 yeas, and 0 nays.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote on the passage of said bill as amended, being yeas 23 and nays 0.

And the bill, together with the Governor's message, containing the proposed amendment, is herewith returned to the House.

J. E. Speight,
Secretary.

RECONSIDERATION.

Mr. Long moved to take from the table the motion to reconsider the vote by which S. 417 was lost on the last legislative day. The motion prevailed.

Mr. Long moved to reconsider the vote by which the bill, S. 417, was lost and the motion prevailed.

And the bill:

S. 417. To authorize and provide a fund to be known as the State Insurance Fund which is to be carried by the State Treasurer for the purpose of insuring against loss by fire or tornado all State-owned buildings or buildings in which the State has appropriated monies for the erection or equipment thereof, or which may have been deeded to the State, and all property equipment, furniture and fixtures or supplies belonging to or stored in such

buildings and any and all properties of such nature as may be acquired by the State, and to this end to establish a basis for assessment and collection of premiums, to provide for a sinking fund with which to pay losses, to provide an emergency appropriation to be used only in case of loss by fire or tornado in excess of collection of premiums, to provide for a division of the State's property into grounds, to provide for return of surplus for maintenance purposes, to provide for inspection and valuation of State property and promulgate rules and regulations necessary for the operation of the Act.

Was read a third time at length and passed.

Yeas, 48; Nays, 28.

Yeas:

Messrs:

Arrington	Dunwoody	Hornsbry	Ringer
Ashcraft (Fayette)	Embry	Jeter	Rives
Ashcraft (Lauderdale)	Forman	Jones	Sanders (Conecuh)
Blackwell	Gaines	Lee	Sanders (Pike)
Bowen, Lewis	Glover	Long	Sessions
Bowen, L. K.	Goodwyn	McDaniel	Sollie
Boykin	Graves	McGowen	Stewart (Calhoun)
Burns	Guy	Melton	Tiller
Burton	Hall	Mooneyham	Tunstall
Byars	Henley	Moorer	Walker
Deloney	Henson	Parker	Williams
Dowdle	Hodgson	Posey	Young

—48

Nays:

Messrs:

Mr. Speaker	Fanning	Kilborn	St. John
Adams	Ferrell	Letson	Smith (Clay)
Adcock	Goode	Love	Snodgrass
Calloway	Grove	Moxley	Thompson (Etowah)
Cato	Holcombe	Norman	Tyson
Christian	Howard	Odom	Walton
Cook	Howze	Patterson	Ware

—28

Mr. Long moved to reconsider the vote by which the bill was passed and then moved to table his motion to reconsider, and the motion to table prevailed.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate bill:

S. 381. To empower municipal corporations having a population of 100,000 inhabitants, or more, according to the last or any subsequent Federal census, to provide for, regulate, and restrict the segregation of business, industrial and residential sections, the height, number of stories, size of buildings and other

structures, the percentage of lot that may be occupied, the distance of buildings from streets, alleys or other public ways, the distance between building, the density of population and the location and use of buildings, structures and land; to divide the municipality into zones or districts; to regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or lands within such zones or districts, and the housing or residence therein of the different classes of inhabitants; to provide for the creation of a zoning commission, and the power, jurisdiction and authority thereof; to provide for a board of zoning adjustment and define the authority, powers and functions of such board of zoning adjustment, its procedure and an appeal from its decisions; and to provide remedies for the enforcement of ordinances, resolutions or regulations made by such municipalities under the authority of this Act.

S. 71. To amend section five (5) of an Act, approved September 25, 1915, and entitled, "An Act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensations."

S. 292. To provide for the payment of mileage and per diem to members of certain recess committees of the Legislature of 1923.

S. 263. To relieve banks and trust companies doing a banking business from liability to a depositor for the payment in good faith of a forged or raised check, issued in the name of such depositor, unless within six months after the return to the depositor of the voucher representing such payment, the depositor shall notify the bank that the check so paid was forged or raised.

Also:

S. 191. Providing for the execution of convicts, condemned to death, by electrocution; prescribing the procedure in such cases; providing the means for accomplishing the purposes of this Act; and repealing all laws or parts of law in conflict herewith.

S. 375. To subject the salary of officials and employees of a city, county or State government, or any department or institution thereof, to writs of garnishment, issued on judgments ex contractu, founded upon debts, demands or claims, which originated subsequent to the date of approval of this Act; to provide upon whom such writs may be served, and how answered; and to provide for service of writ upon an official or agent of the State, the answer to said writ by such agent or official, the judgment thereon, and the legal effect of such service, and judgment.

J. E. Speight,
Secretary.

MOTION TO TAKE BILL FROM ADVERSE CALENDAR.

Mr. Williams called up his motion to take the bill S. 238 from the adverse calendar, and the motion was lost.

Yeas, 18; Nays, 61.

Yeas:

Messrs:

Mr. Speaker
Arrington
Dowdle
Forman
Goode

Goodwyn
Hatter
Hornsby
Lee
Long

Melton
Norman
Odom
Rountree

Tunstall
Verner
Walker
Williams

—18

Nays:

Messrs:

Adams
Adcock
Allen
Ashcraft (Fayette)
Blackwell
Bowen, Lewis
Boykin
Burns
Burton
Byars
Calloway
Cato
Christian
Cook
Deloney
Dickinson

Dunwoody
Fanning
Gaines
Glover
Grove
Guy
Hall
Hawkins
Henley
Henson
Hodgson
Holcombe
Howard
Jeter
Kilborn

Letson
Love
Luck
McDaniel
Mooneyham
Moorer
Moxley
Parker
Patterson
Posey
Ringer
Rives
St. John
Sanders (Conecuh)
Sanders (Pike)

Sessions
Smith (Clay)
Smith (Jefferson)
Snodgrass
Sollie
Stewart (Bibb)
Stewart (Calhoun)
Thompson (Etowah)
Thompson (Jackson)
Tiller
Tyson
Varner
Wall
Walton
Young

—61

PAIRS ANNOUNCED.

The following pairs were announced:

Yeas:

Ferrell
Howze

Nays:

Hampton
Fite

MESSAGE FROM THE GOVERNOR.

Gentlemen of the House of Representatives:

I am directed by the Governor to return you herewith House bill 792, without his approval.

Respectfully,

A. L. Tyson,

Secretary to the Governor.

Sept. 25, 1923.

MESSAGE TO THE HOUSE.

Gentlemen of the House of Representatives:

I herewith return you House bill 792 without my approval.

This is a local bill attempting to establish a stock law for Blount county and is a clear and palpable violation of section 104 of the Constitution. No possible amendment suggests itself to me whereby it can be cured.

Respectfully submitted,

Wm. W. Brandon,

Governor.

September 25, 1923.

GOVERNOR'S MESSAGE.

And the House refused to pass the bill over the Governor's veto.

Yeas, 0; Nays, 60.

Nays:

Messrs:

Mr. Speaker	Deloney	Henson	Moorer
Adcock	Dunwoody	Holcombe	Poole
Allen	Embry	Hornsby	Posey
Arrington	Fanning	Howard	Rives
Bealle	Ferrell	Howze	Rountree
Blackwell	Fite	Jeter	St. John
Boykin	Gaines	Jones	Sollie
Burns	Glenn	Kilborn	Tiller
Burton	Glover	Kilpatrick	Tyson
Byars	Goode	Lee	Varnier
Cato	Goodwyn	Letson	Verner
Christian	Grove	Long	Walker
Coleman	Guy	Love	Wall
Cook	Hall	Luck	Williams
Culver	Henley	Melton	Young

—60

MESSAGE FROM THE GOVERNOR.

Gentlemen of the House of Representatives:

I am directed by the Governor to return you herewith House bill 626 with his reasons for so doing.

Respectfully,

A. L. Tyson,

Secretary to the Governor.

Sept. 20, 1923.

MESSAGE TO THE HOUSE.

Gentlemen:

I herewith return you House bill 626 without my approval.

Section 104 of the Constitution provides that the Legislature shall not pass a special, private or local law in certain specified cases. Among those cases specified is that it shall not pass a special, private or local law creating, increasing or decreasing fees, percentages or allowances of public officers. This bill both in its title and its body is a palpable violation of these provisions of the Constitution. Its whole object and purpose is to provide fees or allowance for the sheriff of Shelby county which are not allowed other public officers in the State for like services.

While the bill has passed both houses by a vote practically unanimous I have been loathe to veto it, but after a careful examination I am so thoroughly convinced that it violates both section 104 and section 96 of the Constitution that I feel impelled to veto it. I can conceive of no amendment which I could suggest that would cure it of this unconstitutional feature.

Respectfully submitted,

Wm. W. Brandon,

Governor.

Sept. 20, 1923.

GOVERNOR'S MESSAGE.

And the House refused to pass the bill over the Governor's veto.

Yeas, 0; Nays, 60.

Nays:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Bealle

Blackwell

Boykin

Burns

Burton

Byars

Cato

Cook

Culver

Deloney

Dowdle

Embry

Ferrell

Fite

Forman

Gaines

Glenn

Glover

Goode

Goodwyn

Graves

Grove

Guy

Hall

Hatter

Hawkins

Henley

Henson

Hodgson

Holcombe

Hornsby

Howard

Howze

Jeter

Jones

Lee

Long

Love

Luck

Melton

Moorer

Moxley

Odom

Parker

Pickens

Posey

Ringer

Rives

Rountree

Tiller

Tyson

Varner

Walker

Ware

Williams

Young

—60

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed:

H. 908. To provide for the election of a county superintendent of education for St. Clair county, Alabama; to fix his term of office; to prescribe his salary and the manner of payment; to define his qualifications, powers and duties; to provide for a special election to be held to elect such county superintendent under this Act, and to provide for the election of his successor in office.

Also:

H. 909. To provide for the election of three school trustees for each school district in St. Clair county, Alabama, and to prescribe their duties.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Embry, the House concurred in and adopted the Senate amendment to the bill, H. 908, said Senate amendment being as follows:

Substitute for House bill 908:

A BILL

To be entitled An Act to provide for the election of a county superintendent of education of St. Clair county, Alabama, to fix

his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such superintendent under this Act, and to provide for the election of his successor in office.

Be it enacted by the Legislature of Alabama:

Section 1. That a county superintendent of education for St. Clair county, Alabama, shall be elected by the qualified electors of St. Clair county, Alabama, who shall hold office until his successor is elected and qualified as hereinafter provided. That within three months after the passage and approval of this Act a special election shall be held on a day designated and fixed by the probate judge of St. Clair county, Alabama, for the election of the county superintendent of education, who shall hold office until the next general election to be held in the State of Alabama and said county of St. Clair, and until his successor is elected therein shall have qualified; that said special election shall be conducted and the vote canvassed and the results declared in all respects as now provided by the general election laws of the State of Alabama for the election of county officers. Provided that the person elected as county superintendent at said special election shall enter upon the duties of his office as soon as he shall qualify thereafter.

Section 2. That at the next general election to be held in said county and State a county superintendent of education for St. Clair county, Alabama, shall be elected, who shall hold office for a term of four years and until his successor is elected and qualified, unless sooner removed for good cause, and each four years thereafter, a county superintendent of education for St. Clair county, Alabama, shall be elected by the qualified voters of said county at the regular election, nomination for which office shall be made in primary elections as other county officers.

Section III. That the salary of the said county superintendent of education shall be not less than \$1,500.00 nor more than \$3,000.00 per annum, which salary shall be fixed and paid in the same manner as now provided under the general laws of the State of Alabama for the office of county superintendent of education in the several counties of the State.

Section IV. That said county superintendent of education shall be charged with the same duties and shall exercise the same powers as are now provided by the general school laws of the State in the conduct of the office of county superintendent of education. No person shall be eligible for political party nomination or for election to the office of county superintendent of education of said county who does not as now required hold an Alabama certificate in administration and supervision based as a minimum upon graduation from a standard normal school or

equivalent education with at least one year of additional study of college grade and proof of three years of successful teaching experience; provided that, if no person meeting these requirements qualifies for nomination and election as provided in this Act, the county board of education shall appoint a county superintendent of education as provided by the general law regulating the appointment of superintendents.

Section V. That in the event of a vacancy in said office for any cause, such vacancy shall be filled by the county board of education of St. Clair county, and the person so appointed must have the qualifications prescribed in section 2 of this Act, and shall hold office until the next general election thereafter when his successor shall be elected; provided that the county board of education of St. Clair county, Alabama, may remove the county superintendent of education for immorality, misconduct in office, incompetency or willful neglect of duty, or when the best interests of the schools shall require it, any of which causes herein named must be proven and the county superintendent of education shall have the right to be heard in his defense as in cases of impeachment of county officers, and all such hearings shall be before the county board of education and shall be conducted as in the cases of impeachment under the general laws, and provided that upon such removal for cause any county superintendent of education may appeal to the circuit court and have a trial by jury by executing a bond in such sum as may be fixed by said county board of education.

Section VI. That the county superintendent of education elected or appointed under the provisions of this Act before entering upon the duties of said office shall take the oath of office prescribed by the Constitution and shall give bond in a reputable surety company authorized to do business in the State of Alabama in an amount fixed by the State Board of Education, conditioned upon the faithful performance of the duties of his office, and upon the accounting and paying over to proper authorities all monies coming into his hands as now fixed by law, which bond shall be filed for record in the office of the judge of probate of St. Clair county and a certified copy filed with the State Superintendent of Education.

Section VII. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker
Adams
Adcock
Allen

Bealle
Blackwell
Boykin
Burns

Burton
Byars
Cato
Coleman

Cook
Culver
Dowdle
Embry

Fite	Hornsby	Melton	Tiller
Gaines	Howard	Moorer	Tunstall
Goodwyn	Howze	Moxley	Tyson
Graves	Jeter	Nichols	Varner
Grove	Jones	Odom	Verner
Guy	Kilborn	Parker	Walker
Hall	Lee	Poole	Wall
Hatter	Letson	Posey	Walton
Hawkins	Long	Rountree	Ware
Henley	Love	St. John	Williams
Henson	Luck	Sollie	Young

—60

And on motion of Mr. Embry, the House concurred in and adopted the Senate amendment to the bill H. 909, said Senate amendment being as follows:

Substitute for House bill 909:

A BILL

A bill to be entitled An Act to provide for the election of three school trustees for each school district in St. Clair county, Alabama, and to prescribe their duties.

Be it enacted by the Legislature of Alabama:

Section 1. That there shall be elected by the qualified electors of each school district of St. Clair county three school trustees for each school district therein for a term of four years, the said election to be held at the school houses the first Saturday in May, 1924, and for each and every four-year period thereafter. The county superintendent of education shall appoint three managers to hold the election in each school district, who shall conduct same in accordance with regulations prepared by the county superintendent of education and approved by the county board of education. The results of this election shall be reported to the county superintendent of education on a certificate signed by the managers of the election in each school district.

Section 2. That the trustees elected under the provisions of this Act, except as provided by law, shall have charge of all school buildings and grounds in their respective districts and shall advise and co-operate with the county board of education in all matters relating to the general welfare of the schools. Provided that the trustees shall have authority by a majority vote to refuse to accept the original assignment of any teacher not later than thirty (30) days before the time set for the opening of the schools upon written notification to the county superintendent of education setting out the reasons for such refusal.

Section 3. That when any vacancy occurs on the board of school trustees elected under the provisions of this Act the same shall be filled by the county board of education and the person thus selected shall hold office until his successor is elected and

qualified. Provided that the county board of education may remove any school district trustee elected under the provisions of this Act upon the recommendation of the county superintendent of education for misconduct, willful neglect of duty or when in its opinion the best interest of the schools require.

Section 4. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Elliott	Jones	Powell
Adams	Embry	Kilborn	Rives
Adcock	Fite	Lee	Rountree
Allen	Gaines	Letson	St. John
Bealle	Glenn	Long	Sollie
Blackwell	Glover	Love	Tiller
Burns	Goode	Luck	Tunstall
Burton	Graves	Melton	Tyson
Byars	Hall	Moxley	Varnier
Cato	Hatter	Norman	Verner
Cook	Henley	Odum	Walker
Culver	Henson	Parker	Wall
Deloney	Howard	Pickens	Ware
Dickinson	Howze	Poole	Williams
Dowdle	Jeter	Posey	Young

—60

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By the Rules Committee:

S. J. R. 181. Resolved by the Senate, the House concurring, That the Secretary of the Senate, Assistant Secretary of the Senate, Chief Clerk to the Secretary of the Senate, together with six clerks to be named by the Secretary; the Clerk of the House, Assistant Clerk of the House and Reading Clerk of the House, together with six other clerks to be named by the Clerk of the House, be, and they are hereby allowed thirty days from and after the final adjournment of the present session of this Legislature, within which to check and compare the Journals and Registers of both houses.

Be it further resolved, That said Secretary of the Senate, Assistant Secretary of the Senate, Chief Clerk to the Secretary, the six clerks named by the Secretary; the Clerk of the House, Assistant Clerk of the House, Reading Clerk of the House and six clerks named by the Clerk of the House, be and they are hereby allowed the same per diem as they are now allowed by law for such work.

And sends same herewith to the House.

Also, by Rules Committee:

S. J. R. 182. Be it resolved by the Senate, the House concurring, That when the Acts of the Legislature of 1923 shall have been published, the Secretary of State is hereby directed to send to each Senator, the Lieutenant Governor, Secretary and Assistant Secretary of the Senate, Clerk and Assistant Clerk of the House and to each Representative, two copies of said Acts of 1923, together with one copy of the Journal of each House.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Long, the House concurred in and adopted the Senate joint resolutions Nos. 181 and 182, which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 201. To provide for the care, use and investment of State sinking funds for the payment of State bonds or other State obligations.

H. 1005. To make appropriation for the ordinary expenses of the offices of the Governor, the Attorney General, the Judiciary Department, and the interest on the public debt, the State Security Commission, the Public Service Commission and the Department of Archives and History.

H. 669. To amend an Act approved November 30, 1907, and entitled "An Act to provide for the protection of the forests of Alabama; to establish and create a State Commission of Forestry to consist of the Governor, a member of the State Tax Commission, the State Game and Fish Commissioner, the Commissioner of Agriculture and Industries, a member of the United States Forestry Service, the professor of forestry in the Alabama Polytechnic Institute and one practical lumberman, to declare the county game and fish wardens, forest wardens; to declare constables, justices of the peace, sheriffs and deputy sheriffs, ex-officio deputy forest wardens and to provide for the appointment of deputy forest wardens by the Governor; to exempt from taxation for a period of ten years land which shall be planted in trees; to appropriate the sum of five hundred dollars annually for the purpose of carrying out the provisions of this Act; to create a forest reserve fund, and to provide for the payment of all fines,

forfeitures and penalties arising under the provisions of this Act into said fund.

H. 666. To amend section 8 of an Act entitled "An Act to provide for the organization, regulation and government of the State Bar Association, including admissions and disbarments of lawyers," approved August 9th, 1923.

H. 1019. To authorize courts to prohibit, for definite periods or perpetually, the operation of motor vehicles by persons convicted of operating a motor vehicle in violation of a criminal statute or ordinance, and to fix the punishment for the violation of such order, and to provide for appeals from such orders.

H. 660. To authorize the Governor, the Chief Justice of the Supreme Court, and the Attorney General to acquire for the use of the State additional property.

H. 760. To appropriate the necessary sum for payment of amounts due by the State to any county for preparing and serving food for prisoners in their respective county jails from January 1st, 1921 to June 30, 1923, and which are unpaid.

H. 589. To make appropriations to the Alabama Boys Industrial School.

H. 843. To authorize the State Auditor to draw a warrant on the treasury in favor of the employees and clerks of the Legislature of 1923 as provided by the report of the committee appointed under Senate joint resolution No. 86, and adopted August 2, 1923.

H. 856. To establish and regulate liens in favor of jewelers, watchmakers and silversmiths who shall alter, repair or do any work on any article of personal property, and to regulate the procedure for enforcement thereof.

H. 481. To authorize boards of revenue or courts of county commissioners to make appropriations to county boards of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational training.

H. 567. To amend section 6 of an Act entitled "An Act to provide for the acceptance of the benefits of an Act by the Senate and House of Representatives of the United States of America in Congress assembled, (H. R. 4438, approved June 2, 1920) entitled 'An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment;' to provide for the administration of same, and to make appropriations for these purposes * * *," approved October 6, 1920.

H. 601. To make appropriations for the promotion of vocational education in agriculture, trades and industries, and home economics in co-operation with the Federal Board for Vocational Education or otherwise.

H. 778. To make an appropriation to the State Board of Education for executive, supervisory and clerical purposes in the administration of the State Department of Education.

H. 566. To make an appropriation for the erection, repair and equipment of rural school buildings and to provide for its apportionment.

J. E. Speight,
Secretary.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bill with the engrossed and original bill, respectively, and find same correctly enrolled, to-wit:

H. 713. To abolish the office of jury commissioners and the jury commission as now constituted in and for Coffee county, Alabama; and to impose on the county commissioners of Coffee county, Alabama, the performance of all the duties and acts now required of the jury commissioners and the jury commission of said county, which duties are prescribed in the Act of the Legislature of Alabama, approved August 31, 1909; and to fix compensation of said county commissioners of said county for performance of such duties.

Jas. A. Smith,
Chairman.

SIGNING OF BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the Executive Department on the dates and hours named, and that I hold the receipts of the Executive Department for same.

Delivered to Governor Sept. 25, 1923, 11:30 A. M.:

H. 605.

Also:

H. 192.

Also:

H. 539.

Also:

H. 782.

Also:

H. 739.

Also:

H. 970.

Also:

H. 413.

Also:

H. 1010.

Also:

H. 876.

Also:

H. 808.

Also:

H. 735.

Also:

H. 902.

Also:

H. 892.

Also:

H. 901.

Also:

H. 1009.

Also:

H. 1008.

Also:

H. 1011.

Also:

H. 1015.

Also:

H. 875.

Also:

H. 922.

Also:

H. 575.

Also:

H. 937.

Also:

H. 963.

Also:

H. 841.

Also:

H. 1000.

Also:

H. 1027.

Also:
H. 1003.
Also:
H. 903.
Also:
H. 992.
Also:
H. 894.
Also:
H. 947.
Also:
H. 1046.
Also:
H. 1047.
Also:
H. 960.
Also:
H. 319.
Also:
H. 953.
Also:
H. 1018.
Also:
H. 379.
Also:
H. 648.
Also:
H. 331.
Also:
H. 534.
Also:
H. 950.
Also:
H. 762.
Also:
H. 883.
Also:
H. 756.
Also:
H. 957.
Also:
H. 823.
Also:
H. 941.
Also:
H. 878.

Also:
H. 570.

J. H. Stewart,
Clerk.

BILL ON THIRD READING.

S. 431. To propose an amendment to the Constitution of Alabama for the purpose of authorizing the Legislature to form or provide for the formation of drainage districts, and establishing and maintaining a drainage system for the building and maintaining of public roads, and for building and maintaining a sea wall or other protection against waves, storm or flood therein; to provide for the assessment of the whole or part of the cost of such improvements against the land in such districts to the extent of the increased value of said land by reason of the special benefits derived from such improvements; to provide for the issuance of bonds by such district with or without an election, and to order an election by the qualified electors of the State upon such proposed amendment to be held at the general State election in November, 1924. Provided the provisions as to roads and sea wall shall apply only to Mobile and Baldwin counties.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State upon such proposed amendment, to be held at the general State election in November, 1924, at which said amendment shall be voted upon. The proposed amendment is as follows:

"Article XXI, Section 1. The Legislature may form or provide for the formation of districts for establishing and maintaining a drainage system; for the building and maintaining of public roads, and for building and maintaining a sea wall or other protection against waves, storm or flood therein; and provide for the assessment of the whole or part of the cost of such improvements against the land in such districts to the extent of the increased value of such land by reason of the special benefits derived from such improvements, and may provide for the issuance of bonds by such district with or without an election. Provided the provisions as to roads and sea wall shall apply only to Mobile and Baldwin counties."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment, and on the official ballot printed for such election there shall be printed the following, viz: "Shall the following be adopted as Article XXI of the Constitution of Alabama?"

Section 1. The Legislature may form or provide for the formation of districts for establishing and maintaining a drainage system; for the building and maintaining of public roads, and for building and maintaining a sea wall or other protection against waves, storm or flood therein; and provide for the assessment of the whole or part of the cost of such improvements against the land in such districts to the extent of the increased value of such land by reason of the special benefits derived from such improvements, and may provide for the issuance of bonds by such district with or without an election. "Yes....." "No....." The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing general elections, and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was read a third time at length and passed.

Yeas, 70; Nays, 0.

Yeas:

Messrs:

Mr. Speaker
Adams
Adcock
Allen
Bealle
Boykin
Burns
Burton

Byars
Calloway
Cato
Christian
Coleman
Cook
Culver
Deloney

Dickinson
Dowdle
Dunwoody
Elliott
Embry
Fanning
Ferrell
Fite

Forman
Gaines
Glenn
Glover
Goode
Goodwyn
Graves
Grove

Guy	Howze	Luck	Rives
Hall	Jeter	Melton	Rountree
Hatter	Jones	Moorer	St. John
Hawkins	Kilborn	Nichols	Tiller
Henley	Kilpatrick	Norman	Tunstall
Henson	Lee	Odom	Tyson
Hodgson	LeMaistre	Parker	Mrs. Wilkins
Holcombe	Letson	Poole	Williams
Hornsby	Long	Ringer	Young
Howard	Love		

—70

BILLS ON THIRD READING.

S. 425 (with amendment). To provide for the appointment of official court reporters by the judges of the criminal divisions of the circuit court in judicial circuits which now have or may hereafter have more than five judges; to fix their compensation and define their duties.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend section 5 by striking out the words "twenty-seven hundred" where they appear together consecutively therein and insert in lieu thereof the words "twenty-four hundred."

Further amend said section by striking out all of the following: "And shall receive fifteen cents per hundred words for the transcript of all proceedings in said court when the judge or solicitor desires a copy of such transcript and directs said reporter to furnish the same; said salary and said fees for transcribing said proceedings shall be paid out of the county treasury where said court is held, upon the certificate of the judge under whom said reporter serves that the amount thereof is correct;" and insert in lieu thereof the following: "said reporter shall furnish to the judge or solicitor a transcript of the proceedings in any case, upon request of said judge or solicitor, and he shall receive no fee for such services, and his salary shall be paid out of the county treasury on certificate of the judge that said reporter holds appointment under him. Said reporter shall be a qualified elector of the county in which he serves. Further amend the bill by adding the following section: Section 71½. Be it further enacted that the official court reporter for the civil divisions of said courts shall be elected by a majority vote of the judges of the civil divisions of said courts, and the judges of the criminal divisions of said court shall have no right to vote in the election of the official reporter of the civil divisions. Amend the title of said Act as follows: After the word "criminal" add the words "and civil."

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:**Messrs:**

Mr. Speaker	Embry	Jones	St. John
Adams	Fite	Lee	Sessions
Adcock	Gaines	Letson	Snodgrass
Allen	Glenn	Long	Sollie
Bealle	Goode	Love	Tiller
Boykin	Guy	Luck	Tunstall
Burns	Hall	Melton	Tyson
Burton	Hatter	Moorer	Varner
Byars	Hawkins	Odom	Verner
Calloway	Henley	Parker	Walker
Cato	Henson	Pickens	Wall
Coleman	Hodgson	Poole	Walton
Cook	Hornsby	Posey	Ware
Culver	Howze	Rives	Williams
Dowdle	Jeter	Rountree	Young

—60

And the bill:

S. 425. To provide for the appointment of official court reporters by the judges of the criminal divisions of the circuit court in judicial circuits which now have or may hereafter have more than five judges; to fix their compensation and define their duties.

As amended, was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:**Messrs:**

Mr. Speaker	Elliott	Jeter	Posey
Adams	Ferrell	Jones	Powell
Adcock	Fite	Lee	Ringer
Allen	Gaines	Letson	Rives
Bealle	Glenn	Long	St. John
Boykin	Glover	Love	Sollie
Burns	Goode	Luck	Tunstall
Burton	Guy	Melton	Tyson
Byars	Hall	Moorer	Varner
Calloway	Hatter	Moxley	Wall
Cato	Hawkins	Nichols	Walton
Cook	Henley	Odom	Ware
Culver	Henson	Parker	Mrs. Wilkins
Deloney	Howard	Pickens	Williams
Dowdle	Howze	Poole	Young

—60

S. 509. To authorize the board of revenue of Montgomery county, Alabama, to pay to Frank Stollenwerck the sum of \$470.99 to refund to him taxes paid by him, by Emma Stollenwerck, deceased, and by Frank Stollenwerck, deceased, to the county of Montgomery on erroneous assessments made against property in Montgomery, Alabama, belonging to the respective parties at the times of said assessments.

Was read a third time at length and passed.
Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Henson	Odom
Adams	Elliott	Hodgson	Parker
Adcock	Ferrell	Howze	Poole
Allen	Fite	Jeter	Rives
Bealle	Gaines	Jones	Rountree
Boykin	Glenn	Kilborn	Sessions
Burns	Glover	Lee	Tiller
Burton	Goode	Letson	Tunstall
Byars	Goodwyn	Long	Tyson
Calloway	Graves	Love	Varner
Cato	Grove	Luck	Wall
Christian	Guy	Melton	Ware
Cook	Hall	Moorer	Mrs. Wilkins
Culver	Hatter	Moxley	Williams
Deloney	Henley	Nichols	Young

—60

S. 471. To repeal an Act for the protection of lands and plantations from depredations by stock in Bullock county, approved December 8, 1880, and all amendments thereto.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Howard	Parker
Adams	Ferrell	Howze	Poole
Adcock	Fite	Jeter	Posey
Allen	Gaines	Jones	Ringer
Blackwell	Glenn	Kilborn	Rives
Boykin	Glover	Lee	Sessions
Burns	Goode	Letson	Snodgrass
Burton	Goodwyn	Long	Sollie
Byars	Guy	Love	Tiller
Cato	Hall	Luck	Tyson
Christian	Hatter	Melton	Varner
Coleman	Henley	Moorer	Wall
Cook	Henson	Moxley	Ware
Culver	Holcombe	Nichols	Williams
Deloney	Hornsby	Odom	Young

—60

S. 470. To repeal an Act, entitled "An Act to provide a better system and the more efficient working of the public roads in Bullock county, approved September 30, 1903."

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

*Yeas:**Messrs:*

Mr. Speaker	Cook	Henley	Moxley
Adams	Culver	Hodgson	Nichols
Adcock	Deloney	Holcombe	Odom
Allen	Embry	Hornsby	Parker
Arrington	Fite	Howard	Poole
Ashcraft (Fayette)	Gaines	Howze	Posey
Ashcraft (Lauderd')	Glenn	Jeter	Ringer
Blackwell	Glover	Jones	Rives
Boykin	Goode	Lee	St. John
Burns	Graves	Letson	Sollie
Burton	Grove	Long	Tiller
Byars	Guy	Love	Wall
Cato	Hall	Luck	Ware
Christian	Hatter	Melton	Williams
Coleman	Hawkins	Moorer	Young

—60

S. 444. To submit to the qualified electors of Alabama an amendment of the Constitution of Alabama authorizing Mobile county to increase its indebtedness for the purpose of constructing concrete or better than concrete surfaced public roads, and concrete or better than concrete bridges in said county, and a way for vehicular traffic between Mobile and Baldwin counties; to issue bonds therefor, and to levy and collect taxes on property in Mobile county to pay for the same, in addition to the indebtedness, bonds and taxes now authorized by the Constitution:

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed by the Legislature for the consideration of the qualified electors of Alabama, viz:

PROPOSED AMENDMENT.

290 Mobile County may become indebted and may issue bonds for the construction or improvement of concrete or better than concrete surfaced public roads, and concrete or better than concrete public bridges in said county, and for the construction of bridges and roadway necessary to provide a public road for vehicular travel between the highlands of Mobile and Baldwin Counties, in an amount not to exceed six and one-half per centum of the assessed value of the property situated in Mobile County. To pay said indebtedness and the interest thereon, Mobile County may levy and collect an annual tax on said property not to exceed one-half of one per centum of said value. The indebtedness, the bonds and the tax authorized hereby shall be in addition to those authorized by the Constitution of Alabama prior to the adoption of this amendment. But no such additional indebtedness shall be created, and no such additional bonds shall be issued and no

such additional tax shall be levied, until each improvement or construction proposed to be built thereby, its approximate location, estimated cost and time of completion, and the amount of the proposed increase, shall have been determined upon and made public by the Board of Revenue and Road Commissioners of Mobile County, and the proposed increase of indebtedness or issue of bonds or tax therefor shall have been first authorized by a majority vote by ballot of the qualified voters of Mobile County voting upon such proposition.

Section 2. It is ordered by the Legislature that an election ~~by the qualified electors of this State upon the aforesaid proposed amendment~~ be held at the general election next succeeding this session of the Legislature.

Was read a third time at length and passed.

Yeas, 70; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Gaines	Letson	Ringer
Adams	Glenn	Long	Rives
Adcock	Glover	Love	Rountree
Allen	Goode	Luck	St. John
Blackwell	Goodwyn	McDaniel	Sessions
Boykin	Graves	McGowen	Sollie
Burns	Grove	Melton	Tiller
Burton	Guy	Mooneyham	Tunstall
Byars	Hall	Moorer	Tyson
Cato	Hatter	Moxley	Varnier
Cook	Hodgson	Nichols	Verner
Culver	Holcombe	Odom	Walker
Deloney	Howze	Parker	Wall
Elliott	Jeter	Patterson	Walton
Embry	Jones	Pickens	Ware
Ferrell	Kilborn	Posey	Williams
Fite	Kilpatrick	Powell	Young
Forman	Lee		

—70

S. 449. To provide and submit to the qualified electors of the State of Alabama at an election to be held at the next general election at which this amendment is proposed, an amendment to the Constitution of the State of Alabama, whereby the following municipal corporations, Thorsby, Alabama City, Florida and Opp, Evergreen and Fayette, Clayton and Clio, in the State of Alabama, may levy and collect a rate of taxation on the property situated therein not exceeding in the total in any one year one and one-half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporations shall not in any one year exceed one (1) per centum, unless the rate in excess thereof shall have been submitted to and au-

thorized by ballot by the qualified electors of such municipal corporations, respectively, at elections to be held by them from time to time for such purposes and to provide for such elections.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration and action at an election to be held at the next general election at which this amendment is proposed, to-wit:

The municipalities of Thorsby, Alabama City, Florala and Opp, Evergreen and Fayette, Clayton and Clio, in the State of Alabama, shall have the power and right to levy and collect a tax of one-half of one per centum in any one year on property situated therein, based on the valuation of such property as assessed for State taxation for the tax year ending on the 30th day of September next succeeding the levy; provided that for the purpose of paying bonds or indebtedness issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds or indebtedness which may be issued or incurred after the adoption of this amendment and the interest thereon, an additional tax of one-half of one per centum may be levied and collected by said corporations; provided further, that a majority of the qualified electors of any of said municipal corporations voting at an election called for that purpose may vote a special tax not to exceed one-half of one per centum in any one year for any special purpose or purposes, which tax shall be used only for the purpose or purposes for which same is levied and collected; provided, however, that the total tax to be levied by any of said municipal corporations shall not exceed one and one-half ($1\frac{1}{2}$) per centum in any one year. Provided, further, that the adoption of this amendment, shall in no wise, affect, limit, modify, abridge or impair the power, authority or right of either of said municipal corporations to levy and collect the special school taxes, now or hereafter vested in or conferred upon them, or any of them, under the Constitution or any amendment thereto; including the power of the city of Selma to levy and collect the taxes for schools and school purposes vested in and conferred upon said city of Selma by the amendment to the Constitution of Alabama adopted thereto at the general election held in November 1916, and which was submitted under law number 315, General Laws 1915, page 337, each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to the municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such election shall con-

tain the words: "For.....excess rate of taxation for the year (or years).....:" and "Against.....excess rate of taxation for the year (or years)....." The rate of taxation proposed in excess of the rate of one (1) per centum to be shown in the blank space provided therefor and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor; and in the event different excess rates are proposed for different years the words mentioned shall be repeated as often as may be necessary to show separately the different rates proposed to be applied to the respective years. And the voter shall record his choice, whether for or against the excess rate or rates shown by placing a cross mark before or after the words expressing his choice. Nothing herein contained shall in any wise change or affect the rights of any holder of bonds or municipal corporations heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality but when a proposition is submitted to the electors to levy a special tax for a specific purpose, and such proposition is defeated no second election for the same shall be held in one year thereafter.

Section 2. That it shall be the duty of the Governor to give notice by proclamation, to be published in one newspaper in each county in the State at least eight consecutive weeks next preceding the said election on the amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, together with the proposed amendment.

Section 3. That at the said election on the amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election there shall be printed the following, viz.: Shall the following be adopted as an amendment to the Constitution of Alabama: The municipalities of Thorsby, Alabama City, Florala and Opp, Evergreen and Fayette, Clayton and Clio, in the State of Alabama, shall have the power and right to levy and collect a tax of one-half of one per centum in any one year on property situated therein, based on the valuation of such property as assessed for State taxation for the tax year ending on the 30th day of September next succeeding the levy; provided that for the purpose of paying bonds or indebtedness issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds and indebtedness which may be issued or incurred after the adoption of this amendment and the interest thereon, an additional tax of one-half of one per centum may be levied and collected by said corporations; provided, further, that a majority of the qualified electors of any of said municipal cor-

porations voting at an election called for that purpose may vote a special tax not to exceed one-half of one per centum in any one year for any special purpose or purposes, which tax shall be used only for the purpose or purposes for which same is levied and collected; provided, however, that the total tax to be levied by any of said municipal corporations shall not exceed one and one-half ($1\frac{1}{2}$) per centum in any one year. Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to the municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words: "For.....excess rate of taxation for the year (or years).....;" and "Against.....excess rate of taxation for the year (or years)....." The rate of taxation proposed in excess of the rate of one per centum to be shown in the blank space provided therefor and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor and in the event different excess rates are proposed for different years the words mentioned shall be repeated as often as may be necessary to show separately the different excess rates proposed to be applied to the respective years. And the voter shall record his choice, whether for or against the excess rate or rates shown, by placing a cross mark before or after the words, expressing his choice. Nothing herein contained shall in any wise change or affect the rights of any holder of bonds of said municipal corporations heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors to levy a special tax for a special purpose, and such proposition is defeated no second election for the same purpose shall be held in one year thereafter. This amendment shall be self executing and no act of the Legislature shall be required to put the same, or any part thereof, in force. This amendment shall not apply to counties.

Following the proposed amendment on the ballot shall be printed the word "yes," and immediately under that shall be printed the word "no." The choice of the elector shall be indicated by a cross mark made by him, or under his direction, opposite the word expressing his desire.

Section 4. That the officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as provided by the election law of the State for the appointment of officers to hold general elections in this State, and the election shall be held in all things in accordance with the law governing general elections and with the constitutional provisions concerning amendments to that instrument.

Section 5. That the votes cast at said election shall be counted, canvassed and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid in all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Section 6. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the State Treasury in the same manner as the expenses of other general elections are paid.

Was taken up. Mr. Culver offered the following amendment to the bill:

Amend bill by striking from section one wherever it appears, the words "Alabama City," and inserting after the words "shall not exceed one and one-half ($1\frac{1}{2}$) per centum in any one year" where the same appear together and before the sentence beginning with the words "Provided, further, that the adoption of this amendment shall in no wise," the following provision, to-wit: "Alabama City shall have the power and right to levy and collect a tax of three-quarters of one per centum in any one year on property situated therein, based on the valuation of such property as assessed for State taxation." Amend section 3 of said bill, S. 449, by inserting after the words "collected by said corporations" where said words appear together and before the words "Provided, further," the following words "Alabama City shall have the power and right to levy and collect a tax of three-quarters of one per centum in any one year on property situated therein, based on the valuation of such property as assessed for State taxation."

And the amendment was adopted.

Yeas, 70; Nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Arrington

Blackwell

Boykin

Burns

Burton

Byars

Cato

Christian

Cook

Culver

Deloney

Dowdle

Embry

Ferrell

Fite

Gaines

Glenn

Glover

Goodwyn

Graves

Grove

Guy

Hall

Hatter

Hawkins

Henley

Henson

Hodgson

Hornsby

Howard

Howze

Jeter

Jones

Kilborn

Lee

Letson

Long

Love

Luck

McGowen

Melton

Mooneyham

Moorer

Moxley

Nichols	Posey	Tunstall	Wall
Norman	Rives	Tyson	Walton
Odom	Rountree	Varner	Ware
Parker	St. John	Verner	Williams
Patterson	Sollie	Walker	Young
Poole	Tiller		

—70

Mr. Culver offered the following amendment to the bill:

Amend the caption and sections 1 and 3 of S. 449 by inserting after the word "Alabama City" the words "Piedmont" and "Greenville" and Roanoke, Greensboro and Calera.

And the amendment was adopted.

Yeas, 70; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Jeter	Ringer
Adams	Ferrell	Jones	Rives
Adcock	Fite	Lee	Rountree
Allen	Forman	LeMaistre	St. John
Arrington	Gaines	Letson	Sessions
Blackwell	Glenn	Long	Sollie
Boykin	Glover	Love	Tiller
Burns	Goode	Luck	Tunstall
Burton	Goodwyn	Melton	Tyson
Byars	Graves	Moxley	Varner
Cato	Grove	Nichols	Verner
Christian	Guy	Norman	Walker
Cook	Hall	Odom	Wall
Culver	Hatter	Parker	Walton
Deloney	Henson	Poole	Ware
Dowdle	Hornsby	Posey	Williams
Elliott	Howard	Powell	Young
Embry	Howze		

—70

And the bill:

S. 449. To provide and submit to the qualified electors of the State of Alabama at an election to be held at the next general election at which this amendment is proposed, an amendment to the Constitution of the State of Alabama, whereby the following municipal corporations, Thorsby, Alabama City, Florala and Opp, Evergreen and Fayette, Clayton and Clio, in the State of Alabama, may levy and collect a rate of taxation on the property situated therein not exceeding in the total in any one year one and one-half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporations shall not in any one year exceed one (1) per centum, unless the rate in excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipal corporations, respectively, at elections to be held by them from time to time for such purposes and to provide for such elections.

As amended, was read a third time at length and passed.
Yeas, 70; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Holcombe	Odom
Adams	Ferrell	Hornsby	Parker
Adcock	Fite	Howard	Pickens
Allen	Forman	Howze	Poole
Arrington	Gaines	Jeter	Posey
Bealle	Glenn	Jones	Rountree
Blackwell	Glover	Lee	Sessions
Boykin	Goode	LeMaistre	Tiller
Burns	Goodwyn	Letson	Tunstall
Burton	Graves	Long	Tyson
Byars	Grove	Love	Walker
Cato	Guy	Luck	Wall
Christian	Hall	Melton	Walton
Coleman	Hatter	Moorer	Ware
Cook	Hawkins	Moxley	Mrs. Wilkins
Culver	Henley	Nichols	Williams
Dowdle	Henson	Norman	Young
Elliott	Hodgson		

—70

S. 504. To provide that in the event the Constitution of Alabama should be amended to authorize Mobile county to increase its indebtedness, bond issue and tax rate for the purposes of constructing or improving of concrete or better than concrete surfaced public roads, and concrete or better than concrete public bridges in said county, and for the construction of bridges and road-way necessary to provide a public road for vehicular travel between the highlands of Mobile and Baldwin counties, in an amount not to exceed six and one-half per centum of the assessed value of the property situated in Mobile county, such indebtedness to be in addition to the amount now authorized by the Constitution, then Mobile county may issue bonds for the construction or improvement of concrete or better than concrete surfaced public roads, and concrete or better than concrete public bridges in said county, in an amount not to exceed six and one-half per centum of the assessed value of the property situated in Mobile county, such indebtedness to be in addition to the amount now authorized by the Constitution.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Burns	Culver	Glenn
Adams	Burton	Deloney	Goode
Adcock	Byars	Elliott	Goodwyn
Allen	Cato	Embry	Graves
Blackwell	Christian	Fite	Grove
Boykin	Cook	Gaines	Guy

Hall	Jones	Moxley	Sollie
Hatter	Kilborn	Nichols	Tiller
Hawkins	Lee	Odom	Tyson
Henley	Letson	Parker	Varner
Henson	Long	Pickens	Wall
Holcombe	Love	Poole	Walton
Howard	Luck	Rountree	Ware
Howze	Melton	St. John	Williams
Jeter	Moorer	Sessions	Young

—60

S. 501. To authorize the governing authorities of a municipality whose boundaries have been altered, extended or arranged so as to include the territory lying within the corporate limits of another municipality in another county to change the name of the municipality within a certain time after the extension of said corporate limits.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Lee	Rountree
Adams	Fite	Letson	St. John
Adcock	Gaines	Long	Snodgrass
Allen	Glenn	Love	Sollie
Boykin	Glover	Luck	Tiller
Burns	Goode	McGowen	Tunstall
Burton	Guy	Melton	Tyson
Byars	Hall	Moorer	Varner
Calloway	Hatter	Norman	Verner
Cato	Henley	Odom	Walker
Cook	Henson	Parker	Wall
Culver	Howard	Poole	Walton
Deloney	Howze	Posey	Ware
Dowdle	Jeter	Ringer	Williams
Elliott	Jones	Rives	Young

—60

S. 518. To require the judge of probate of Russell county, in addition to the office in the court house at Seale to keep open a branch office in the city of Girard, and to declare the effect of the business transactions in such branch office. And to fix his pay for making the indexes mentioned in section 3 and the abstract mentioned in section 4, of this Act.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Blackwell	Cato	Dowdle
Adams	Burns	Cook	Dunwoody
Adcock	Byars	Culver	Embry
Allen	Calloway	Dickinson	Fanning

Ferrell	Henley	Melton	Tunstall
Fite	Hornsby	Moorer	Tyson
Glenn	Howze	Norman	Verner
Glover	Jeter	Odom	Verner
Goodwyn	Jones	Parker	Walker
Graves	Kilborn	Posey	Wall
Grove	Lee	Rives	Walton
Guy	Letson	Rountree	Ware
Hall	Long	St. John	Mrs. Wilkins
Hatter	Love	Snodgrass	Williams
Hawkins	Luck	Tiller	Young

—60

S. 520. To fix the time and places of holding the county court of Russell county.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Hornsby	Ringer
Adams	Ferrell	Howze	Rives
Adcock	Fite	Jeter	Sessions
Allen	Gaines	Jones	Sollie
Blackwell	Glenn	Lee	Tiller
Boykin	Goodwyn	Long	Tunstall
Burns	Graves	Love	Tyson
Burton	Grove	Luck	Verner
Byars	Guy	Melton	Verner
Cato	Hall	Moorer	Walker
Cook	Hatter	Nichols	Wall
Culver	Hawkins	Odom	Walton
Deloney	Henley	Parker	Ware
Elliott	Henson	Pickens	Williams
Embry	Hodgson	Poole	Young

—61

S. 521. To establish an additional circuit court in the county of Russell at Girard.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Graves	Love
Adams	Dunwoody	Grove	Luck
Adcock	Embry	Guy	Moorer
Allen	Fanning	Hall	Moxley
Blackwell	Ferrell	Hatter	Nichols
Boykin	Fite	Henley	Odom
Burns	Forman	Hornsby	Parker
Burton	Gaines	Howard	Pickens
Byars	Glenn	Howze	Poole
Cato	Glover	Jeter	Posey
Cook	Goode	Jones	Ringer
Culver	Goodwyn	Lee	Rives

St. John
Sessions
Snodgrass

Sollie
Tiller
Tunstall

Tyson
Varner
Verner

Wall
Walton
Young

—60

S. 522. To fix the time and places of holding the regular terms of the board of revenue of Russell county.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Blackwell

Boykin

Burns

Burton

Byars

Cato

Cook

Culver

Deloney

Dowdle

Elliott

Embry

Fanning

Ferrell

Fite

Gaines

Glenn

Goode

Graves

Grove

Guy

Hall

Hatter

Hodgson

Holcombe

Hornsby

Howard

Howze

Jeter

Jones

Kilborn

Lee

Letson

Long

Love

Luck

Melton

Moorer

Moxley

Nichols

Odom

Parker

Poole

Posey

Ringer

Rives

St. John

Sessions

Snodgrass

Sollie

Tiller

Tyson

Varner

Verner

Ware

Young

—60

S. 156. To regulate charges, fees or costs in criminal cases of the circuit courts in all counties in this State having a population of 200,000 according to the last or any subsequent Federal census.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Arrington

Blackwell

Bowen, L. K.

Boykin

Burns

Burton

Byars

Cato

Cook

Culver

Deloney

Elliott

Embry

Fanning

Ferrell

Fite

Glover

Goode

Grove

Guy

Hall

Hatter

Hawkins

Henley

Henson

Howard

Howze

Jeter

Jones

Kilborn

Lee

Letson

Love

Luck

Melton

Nichols

Norman

Odom

Parker

Posey

Powell

Rives

Sessions

Smith (Jefferson)

Sollie

Tiller

Tunstall

Tyson

Varner

Verner

Walker

Wall

Walton

Ware

Williams

Young

—60

S. 478. To authorize cities which now have a population of not less than thirty thousand nor more than fifty thousand inhabitants according to the latest Federal census, or which may hereafter have such population according to any Federal census hereafter taken, to fix and collect licenses for business done within the police jurisdiction of such city but without the limits thereof.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Henley	Powell
Adams	Dowdle	Henson	Rives
Adcock	Embry	Howard	Rountree
Allen	Fite	Howze	St. John
Boykin	Forman	Jeter	Sessions
Burns	Gaines	Jones	Snodgrass
Burton	Glenn	Lee	Sollie
Byars	Glover	Long	Tiller
Calloway	Goode	Love	Tunstall
Cato	Graves	Luck	Walker
Christian	Grove	Nichols	Wall
Coleman	Guy	Odum	Walton
Cook	Hall	Parker	Ware
Culver	Hatter	Poole	Williams
Deloney	Hawkins	Posey	Young

—60

S. 369. To appropriate \$381.62 to be paid to Frank Stollenwerck to refund to him taxes paid by him by Emma Stollenwerck, deceased, and Frank Stollenwerck, deceased, to the State of Alabama on erroneous assessments made against property in Montgomery, Alabama, belonging to the respective parties at the times of said assessments and to authorize the State Treasurer to pay the same to said Frank Stollenwerck.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Nays:

Messrs:

Mr. Speaker	Elliott	Howard	Poole
Adams	Embry	Howze	Posey
Adcock	Ferrell	Jeter	Rountree
Allen	Fite	Jones	St. John
Blackwell	Forman	Kilborn	Tunstall
Boykin	Gaines	Lee	Tyson
Burns	Glenn	Letson	Varner
Burton	Glover	Long	Verner
Byars	Goode	Love	Walker
Calloway	Goodwyn	Luck	Wall
Cato	Graves	Melton	Walton
Cook	Grove	Moorer	Ware
Culver	Guy	Norman	Mrs. Wilkins
Deloney	Hall	Odum	Williams
Dowdle	Hatter	Parker	Young

—60

S. 432. To amend section 1 of an Act entitled An Act to provide for the appointment of deputy registers and deputy clerks for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputies—approved October 1, 1920.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Jeter	Rountree
Adams	Dowdle	Kilborn	St. John
Adcock	Elliott	Lee	Sessions
Allen	Embry	Letson	Snodgrass
Blackwell	Fite	Love	Sollie
Boykin	Gaines	Luck	Tiller
Burns	Glenn	Melton	Tunstall
Burton	Glover	Moorer	Tyson
Byars	Goode	Moxley	Varnier
Calloway	Goodwyn	Nichols	Verner
Cato	Graves	Norman	Walker
Christian	Hall	Odom	Wall
Coleman	Hatter	Parker	Walton
Cook	Hawkins	Poole	Williams
Culver	Henley	Posey	Young

—60

S. 269. To provide for the proper display of the United States flag and the flag of the State of Alabama in the schools of Alabama that are supported in part or in whole by public funds and to provide for the enforcement of the same.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Kilborn	Powell
Adams	Fite	Lee	Ringer
Adcock	Gaines	Letson	Rives
Allen	Glenn	Long	Rountree
Blackwell	Goode	Love	St. John
Boykin	Goodwyn	Luck	Sessions
Burns	Grove	Melton	Snodgrass
Burton	Guy	Moorer	Sollie
Byars	Hall	Moxley	Tiller
Cato	Hatter	Nichols	Tunstall
Cook	Hawkins	Norman	Tyson
Culver	Henley	Odom	Wall
Deloney	Howze	Parker	Walton
Dowdle	Jeter	Poole	Ware
Elliott	Jones	Posey	Young

—60

S. 430. To authorize the courts of county commissioners, boards of revenue or other courts of like jurisdiction in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken, to establish two or more places of voting in the same election precincts when it is deemed necessary for the convenience of the voters therein; and to separate the list of qualified voters in groups in alphabetical order so that no group shall contain more than three hundred qualified voters; and to designate the places at which the qualified voters in such precinct shall cast their ballot and to require the probate judge of said counties to furnish the election managers lists of qualified voters in groups as herein provided.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Howard	Odom
Adams	Dowdle	Howze	Poole
Adcock	Embry	Jeter	Posey
Allen	Ferrell	Jones	Rountree
Arrington	Fite	Kilborn	St. John
Blackwell	Gaines	Lee	Sessions
Bowen, Lewis	Glenn	Letson	Snodgrass
Bowen, L. K.	Glover	Long	Sollie
Boykin	Goode	Love	Tiller
Burns	Guy	Luck	Tunstall
Burton	Hall	Melton	Walker
Byars	Hatter	Moorer	Wall
Cato	Hawkins	Moxley	Walton
Christian	Henley	Nichols	Ware
Cook	Hornsby	Norman	Young

—60

S. 479. To further regulate the financing of public improvements by cities having a population of over 100,000, according to the last or any subsequent Federal census.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Byars	Ferrell	Hatter
Adams	Calloway	Fite	Hawkins
Adcock	Cato	Gaines	Henley
Allen	Christian	Glenn	Hornsby
Arrington	Cook	Glover	Howard
Blackwell	Culver	Goode	Howze
Boykin	Deloney	Graves	Jeter
Burns	Elliott	Guy	Jones
Burton	Embry	Hall	Kilborn

Lee	Moorer	St. John	Walker
Letson	Moxley	Sessions	Wall
Long	Nichols	Snodgrass	Walton
Love	Norman	Sollie	Ware
Luck	Odom	Tiller	Williams
Melton	Posey	Tyson	Young

—60

S. 345. To fix the compensation of members of the courts of county commissioners, boards of revenue, or other courts of like jurisdiction in this State, in counties which now have, or which may hereafter have, a population of ninety-six thousand and not exceeding one hundred fifty thousand people, according to the last Federal census or any such census which may hereafter be taken, for services actually performed by said officers as members of the boards of review of said counties, and to provide for the payment of such compensation.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Jeter	Posey
Adams	Gaines	Jones	Powell
Adcock	Glenn	Kilborn	Rives
Allen	Glover	Lee	Rountree
Ashcraft (Lauderd ¹)	Goode	Letson	St. John
Blackwell	Graves	Long	Sessions
Boykin	Grove	Love	Snodgrass
Burns	Guy	Luck	Sollie
Burton	Hall	Melton	Tiller
Byars	Hatter	Moorer	Verner
Cato	Hawkins	Moxley	Walton
Christian	Henley	Nichols	Ware
Cook	Hornsby	Norman	Mrs. Wilkins
Culver	Howard	Odom	Williams
Deloney	Howze	Parker	Young

—60

S. 332. To establish a board of revenue for the county of Winston, to consist of five members, one of whom shall be president thereof, in lieu of the commissioners' court of said county; and to confer on said board of revenue all the powers, jurisdiction, and prescribing for it all the duties of the commissioners' court of said county, and otherwise defining its jurisdiction, powers and duties; providing for the appointment of the members of said board, prescribing their terms of office and providing for the appointment of members of said board to hold office after the expiration of the terms of office of the first members of said board and prescribing their terms of office, providing for the appointment of a clerk of said board and defining his duties, powers and compensation; providing for the compensation of the

members of said board; and abolishing the court of county commissioners of said county.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Local Legislation, said amendment being as follows:

Amend Senate bill 332, by adding to section two and at the end thereof the following:

Provided no two of such members of said board shall be appointed from the same commissioner's district of said county.

And the amendment was adopted.

Yeas, 39; Nays, 16.

Yeas:

Messrs:

Mr. Speaker	Cook	Hatter	Mooneyham
Adcock	Dickinson	Henley	Rountree
Ashcraft (Lauderd ¹)	Dowdle	Henson	St. John
Blackwell	Dunwoody	Holcombe	Thompson (Etowa ¹)
Bowen, L. K.	Embry	Hornsby	Tunstall
Boykin	Gaines	Kilborn	Verner
Burton	Glover	Long	Walker
Byars	Goode	Luck	Walton
Calloway	Goodwyn	McDaniel	Williams
Christian	Grove	McGowen	

—39

Nays:

Messrs:

Fanning	Hodgson	Patterson	Sollie
Fite	Howze	Posey	Stewart (Bibb)
Guy	Jeter	Smith (Jefferson)	Thompson (Jackson)
Hawkins	Moxley	Snodgrass	Ware

—16

Mr. St. John offered the following amendment to the bill:

Amend section 3 of S. 332 so as to read as follows:

Section 3. Within fifteen days after the approval of this Act the president and members of the board shall be appointed by the Governor who shall hold office until the first Monday after the second Tuesday of January, 1925, or until their successors are elected and qualified. That at the general election in 1924 and every four years thereafter a president and four members of said board shall be elected by the qualified electors of said county for a term of four years.

And the amendment was lost.

Yeas, 30; Nays, 31.

Messrs:

Yeas:

Mr. Speaker	Calloway	Embry	Graves
Bowen, L. K.	Christian	Glover	Grove
Burton	Dowdle	Goode	Hatter
Byars	Dunwoody	Goodwyn	Henley

Hodgson	Luck	St. John	Verner
Holcombe	McGowen	Stewart (Calhoun)	Walker
Hornsby	Parker	Tunstall	Williams
Kilborn	Ringer		

—30

Nays:

Messrs:

Adcock	Forman	Love	Sollie
Ashcraft (Fayette)	Guy	Mooneyham	Stewart (Bibb)
Blackwell	Hawkins	Moxley	Thompson (Etowah)
Bowen, Lewis	Henson	Posey	Thompson (Jackson)
Boykin	Howze	Rives	Tiller
Deloney	Jeter	Sanders (Pike)	Ware
Fanning	Lee	Smith (Jefferson)	Young
Fite	Letson	Snodgrass	

—31

And the bill:

S. 332. To establish a board of revenue for the county of Winston, to consist of five members, one of whom shall be president thereof, in lieu of the commissioners' court of said county; and to confer on said board of revenue all the powers, jurisdiction, and prescribing for it all the duties of the commissioners' court of said county, and otherwise defining its jurisdiction, powers and duties; providing for the appointment of the members of said board, prescribing their terms of office and providing for the appointment of members of said board to hold office after the expiration of the terms of office of the first members of said board and prescribing their terms of office, providing for the appointment of a clerk of said board and defining his duties, powers and compensation; providing for the compensation of the members of said board; and abolishing the court of county commissioners of said county.

As amended, was read a third time at length and lost.

Yeas, 15; Nays, 50.

Yeas:

Messrs:

Mr. Speaker	Goodwyn	Luck	Stewart (Calhoun)
Bowen, L. K.	Grove	McGowen	Tunstall
Embry	Hatter	Rountree	Verner
Goode	Kilborn	St. John	

—15

Nays:

Messrs:

Adcock	Dowdle	Hodgson	Moxley
Ashcraft (Fayette)	Dunwoody	Howze	Parker
Blackwell	Fanning	Jeter	Patterson
Bowen, Lewis	Fite	Kilpatrick	Posey
Boykin	Forman	Lee	Ringer
Burton	Glover	Letson	Rives
Calloway	Guy	Love	Sanders (Conecuh)
Cato	Hall	McDaniel	Sanders (Pike)
Cook	Hawkins	Mooneyham	Smith (Clay)
Deloney	Henson	Moorer	Smith (Jefferson)

Snodgrass
 Sollie
 Stewart (Bibb)

Thompson (Etowah) Tyson
 Thompson (Jackson) Walker
 Tiller

Ware
 Young

—50

Mr. Posey moved to reconsider the vote by which the bill was lost and then moved to table the motion to reconsider, and the motion to table prevailed.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the Executive Department on the dates and hours named, and that I hold the receipt of the Executive Department for same.

Delivered to Governor Sept. 25, 1923, at 12:10 P. M.
 H. 713.

J. H. Stewart,
 Clerk.

RECESS.

The hour of one o'clock having arrived the House recessed until 3 o'clock P. M.

AFTERNOON SESSION.

The hour of three o'clock having arrived the House reconvened.

LEAVE OF ABSENCE.

Was granted to Mr. Bealle for today.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution and sends same herewith to the House without engrossment:

By Mr. Craft:

S. J. R. 184. Whereas, friendly relations have been re-established with our government and that of our sister republic, Mexico; and

Whereas, the people of Alabama have a deep concern for the welfare of the people of Mexico and wish for them an onward march of peace, contentment and prosperity in all of their educational progress and development of their wonderful resources

that are so wisely inaugurated under the leadership of its illustrious statesman, President Obregon, and its congress for the betterment of its people, and that the relations of our government with the people of Mexico will ever continue, growing closer in bonds of friendship;

Be it resolved, That the Legislature of Alabama extends its greetings to the president of Mexico, its congress and the people, with best wishes for its peace, happiness and development of its industrial life.

Be it further resolved, That Governor Wm. W. Brandon be requested to transmit copies of this resolution of the people of Alabama to the president, congress and citizens of our sister republic, Mexico.

Which was, under a suspension of the rules, adopted.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted S. J. R. 184 which is set out in the above and foregoing message from the Senate.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Culver:

H. R. 246. Whereas, it has been the custom of the House of Representatives for years to turn the House over to the pages on the last legislative day, or a part thereof, and whereas, this session is desirous of going on record as being in favor of changes of all kinds, now therefore be it resolved, That the House will be turned over to the representatives of the press assigned to duty in the House for one hour on the last legislative day, for speech-making. The speeches of the representatives of the press must be confined to the activities of the House of Representatives during this session, and all criticism is hereby prohibited.

And the rules were suspended and the resolution was adopted.
By Mr. Glover:

H. R. 247. Resolved, That Senate bill 309 relating to the establishment of a printing plant at Camp Kilby be made a special, paramount and continuing order for consideration above all other orders immediately on the assembling of the House on the 50th legislative day.

And the resolution was referred to the Standing Committee on Rules.

RESOLUTION ON SECOND READING.

By Mr. Jones of Barbour:

S. J. R. 133. Whereas, the Constitution of the State prevents the levy of an adequate income and inheritance tax; and whereas,

the progress of the State, its schools and its institutions, demand a fair and equitable adjustment of the tax burden; and whereas, an income tax justly places the burden of taxation on those most able to pay the same, and who are not now bearing their fair proportion of the burdens of state, and in some instances entirely escape taxation;

Therefore, be it resolved:

Section 1. That the Legislature of Alabama propose the following amendment so as to make section 219 of the Constitution of Alabama read as follows, to-wit:

"The Legislature may levy a tax on incomes of more than five thousand dollars annually, and inheritances of every kind and nature where the estate is of a greater value than fifty thousand dollars, and no limitation contained in this Constitution shall affect this power, and not less than fifty per cent of the net income derived from these sources shall be devoted to educational purposes."

Section 2. That this proposed amendment shall be submitted to the qualified electors of this State at a special election held for that purpose on the fourth Tuesday in January, 1924.

Section 3. Notice of the election, to be held in accordance with the provisions of section 2 of this resolution, together with the proposed amendment, shall be given by proclamation by the Governor, which said proclamation shall be published in a newspaper in each county in the State for a period of at least eight successive weeks next preceding the day appointed for such election, and where no newspaper is published in the county, said notice shall be published by posting same on the court house door of said county for a like period of time.

The above and foregoing Senate joint resolution was read a second time at length and placed on the calendar.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

S. 442. To authorize municipal corporations to divide the territory within the corporate limits into zones or districts and to provide the kind and character and use of structures that may be erected within the several zones and to rearrange the same from time to time and to adopt necessary ordinances to carry into effect the provisions of this Act.

Said Governor's message containing the proposed amendment, being in the following words and figures, to-wit:

Message to the Senate:

Gentlemen:

I herewith return to you Senate bill 442 without my approval.

The bill authorizes municipal corporations to divide their territory into zones or districts, as for the character of structures to be erected.

The bill in its present form provides for no notice as to the passage of such ordinances. In my judgment, some notice of the passage of such ordinances should be required. I, therefore, propose the following amendment which will remove my objection.

Amend the bill by adding thereto section 2½ where it would numerically occur; which added section shall read as follows:

"Section 2½. That no ordinance shall be passed by any municipal corporation under the authority of this Act unless and until the proposed ordinance has been published for at least fifteen days in advance of its passage in a newspaper of general circulation within the municipality, or, if there is no newspaper, by posting the same in four conspicuous places within the municipality, together with a notice stating the time and place that the ordinance is to be considered by the municipal legislative authorities, and stating further that at such time and place all persons who desire shall have an opportunity of being heard in opposition to such ordinance."

With this amendment, the bill would meet my approval.

Respectfully submitted,
Wm. W. Brandon.

Sept. 25, 1923.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill, S. 442, by a vote of a majority of the whole number elected to the Senate; said vote being yeas 21, nays 0.

And said bill, S. 442, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote on the passage of said bill as amended, being yeas 21, nays 0.

And said bill, S. 442, together with the Governor's message, containing the proposed amendment, is herewith sent to the House for its consideration.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Long, the House concurred in and adopted the amendment proposed by the Governor to the bill, S. 442, said Governor's amendment being set out in the above and foregoing message from the Senate.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Ashcraft (Fayette)

Ashcraft (Lauderdl.)

Bowen, Lewis

Bowen, L. K.

Boykin

Burton

Byars

Cato

Christian

Cook

Culver

Dowdle

Elliott	Jones	Odom	Smith (Jefferson)
Embry	Kilborn	Parker	Snodgrass
Fanning	Lee	Patterson	Sollie
Fite	Letson	Pickens	Stewart (Bibb)
Forman	Long	Posey	Stewart (Calhoun)
Glover	Love	Ringer	Thompson (Etowah)
Goode	Luck	Rives	Thompson (Jackson)
Goodwyn	McDaniel	Rountree	Tyson
Grove	McGowen	St. John	Wall
Howze	Melton	Sessions	Ware
Jeter	Norman	Smith (Clay)	Young

—60

Which was a majority of the whole number elected to the House.

And the bill:

S. 442. To authorize municipal corporations to divide the territory within the corporate limits into zones or districts and to provide the kind and character and use of structures that may be erected within the several zones and to rearrange the same from time to time and to adopt necessary ordinances to carry into effect the provisions of this Act.

As amended by the proposed amendment of the Governor, was again read a third time at length and passed.

Yeas, 61; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Lee	Rives
Adcock	Dowdle	Letson	Rountree
Allen	Embry	Long	Sessions
Ashcraft (Fayette)	Fanning	Love	Smith (Clay)
Ashcraft (Lauderdale)	Ferrell	Luck	Smith (Jefferson)
Blackwell	Forman	McDaniel	Snodgrass
Bowen, Lewis	Glove	McGowen	Sollie
Bowen, L. K.	Goode	Mooneyham	Stewart (Calhoun)
Boykin	Goodwyn	Moxley	Thompson (Etowah)
Burton	Grove	Norman	Thompson (Jackson)
Byars	Holcombe	Odom	Tyson
Cato	Howze	Parker	Verner
Christian	Jeter	Patterson	Wall
Cook	Jones	Posey	Ware
Culver	Kilborn	Ringer	Young
Deloney			

—61

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill:

H. 753. To amend section 3 of article 2, section 2 of article 3, section 24 of article 3, section 5 of article 8, article 12 by adding section 5½, section 8 of article 12, section 5 of article 15, section 3 of article 18, section 3 of article 20, section 2 of article 24, section 7 of article 24, section 10 of article 24, and section 2 of article 40 of an Act entitled "An Act to provide a complete educational system for the State of Alabama * * *," approved September 26, 1919.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the Senate amendment to the bill, H. 753, said Senate amendment being as follows:

"Amend section one of H. 753 by adding thereto the following: In counties now having more than five members of the board of revenue, who are elected from revenue districts, there shall be one member of the county board of education from each board of revenue district for such county to be elected by the qualified voters of said district. In revenue districts now having no representation upon the county board of education, there shall be elected at the next general election held in this State a member of the county board of education to represent the revenue district not now represented, who shall hold office for six years, and until their successors are elected and qualified. The Governor shall, upon the approval of this Act, appoint a member of the county board of education for each board of revenue district in each county having more than five revenue districts, who shall hold office until their successors are elected and qualified. Provided, however, that no member of the board of education be appointed before the next general election, except in districts having a municipality of five thousand or more within its borders, and no member of the board now in office shall vacate his office until the time for which he was elected shall expire.

Yeas, 56; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Holcombe	Parker
Adcock	Dunwoody	Howze	Patterson
Allen	Embry	Jeter	Posey
Ashcraft (Fayette)	Fanning	Jones	Ringer
Bowen, Lewis	Fite	Kilborn	Rives
Bowen, L. K.	Forman	McDaniel	Rountree
Boykin	Gaines	McGowen	Sanders (Conecuh)
Burton	Goode	Melton	Sanders (Pike)
Cate	Goodwyn	Moxley	Sessions
Christian	Grove	Norman	Smith (Clay)
Culver	Henley	Odom	Smith (Jefferson)

Smith (Lee)	Thompson (Etowah)	Verner	Ware
Snodgrass	Tunstall	Walker	Williams
Stewart (Calhoun)	Tyson	Wall	Young

—56

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has amended as therein shown and, as amended, has passed the following House bills:

H. 832. Creating and establishing the juvenile court of Mobile county, defining its powers and jurisdiction and providing for the process and procedure of said court; for the equipment of said court, for the judge and officers of said court, their terms of office and their salaries, and defining their duties, and the payment by the board of revenue and road commissioners of Mobile county of all premiums that may accrue on account of the bond of the clerk thereof; for the transportation of the probation officers; for the service of process, including warrants, and the fees thereof and the payment of said fees; for the detention of juvenile delinquents; providing for a commission to aid in carrying out the work of the court and prescribing its duties; and providing for appeals from any final order or judgment of said court; making it an offense for any person knowingly and willfully to encourage, aid, abet, cause or connive at a state of delinquency of any child sixteen years of age, or under, or produce, promote, or contribute to the conditions which render any child delinquent, and providing the punishment therefor; providing for the transfer of certain cases to said juvenile court, providing for the support and maintenance in certain cases of delinquent children by the board of revenue and road commissioners of Mobile county, or by the parents or out of the estates of such children; providing for the apprehension of such children and the commitment of them to any family, association or institution; for the transportation of such children and the payment of the costs by Mobile county; providing for the commitment of juvenile delinquents to any family, association or institution within the State to which they may be, respectively committed, and providing for the payment of the costs thereof by the board of revenue and road commissioners of Mobile county; providing for payment by the city of Mobile, of one-half of the expenses arising out of the operation of said court; and for the protection of said children against any disqualification of prejudice in any other court, or in the civil service of the State or municipality on account of any judgment or order of said court, or any confession, statement, declaration or admission or silence or demeanor of said juvenile delinquents, or any statement made to any person or officer of the court, and providing for the repeal of certain laws.

H. 603. To authorize courts of county commissioners and boards of revenue in the several counties of this State to deposit any funds arising from any special tax levied to pay bonds, which are in excess of amounts then payable on said bonds to deposit them in some solvent savings bank in the State of Alabama in the name of the county or to invest the same in interest bearing securities issued by the United States government or by the State of Alabama.

H. 857. To regulate the sale at public auction of gold, silver, plated ware, precious stones, watches, clocks, jewelry, books, bric-a-brac, rugs, clothing, china, crockery, glassware and leather goods, and to provide penalties for the violation thereof.

H. 563. To make an appropriation for the maintenance of county high schools and for high school supervision.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Kilborn the House nonconcurrent in the Senate amendment to the bill 832, said Senate amendment being as follows:

Amend section 6 of H. 832 by adding to the second paragraph thereof the following:

That the policemen who have been retired now on the pension roll or who may be retired on the pension roll, shall be qualified to act as assistant probation officers; no policeman who is on the regular force shall be eligible to act or receive pay as an assistant probation officer of the police court.

Amend H. 832 by adding to the section 14 the following: "Whenever any person is committed to jail by said juvenile court the sheriff of Mobile county shall be paid the same fees for feeding and keeping such person as he is paid for feeding and keeping prisoners committed to the jail under order of the circuit court."

Amend H. 832 by striking out the words "sheriff and police officer" and also the words "or other deputies" where they appear in section 11 of the bill.

And asked for a committee of conference on the disagreement of the two houses, on the Senate amendment to the bill, and the Speaker named as committee of conference on part of the House, Messrs. Holcombe, Kilborn and Grove.

And the House concurred in and adopted the Senate amendment to the bill H. 603, said Senate amendment being as follows:

Amend House bill 603 by adding at the end of section one the following:

"The courts of county commissioners, boards of revenue or other courts of like jurisdiction, shall require adequate bond of

said bank to secure the safety of said deposit, which bond shall be in such sum as such courts or boards shall fix, having due regard to the safety of county funds."

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Forman	Love	Sessions
Adcock	Gaines	Luck	Smith (Clay)
Allen	Glover	McDaniel	Smith (Jefferson)
Arrington	Goode	McGowen	Smith (Lee)
Asncraft (Fayette)	Goodwyn	McGowen	Snodgrass
Boykin	Grove	Moxley	Sollie
Burton	Henley	Norman	Stewart (Calhoun)
Christian	Hodgson	Odom	Thompson (Etowah)
Culver	Holcombe	Parker	Tiller
Dickinson	Howze	Patterson	Tyson
Dowdle	Jeter	Pickens	Verner
Embry	Jones	Posey	Wall
Fanning	Kilborn	Ringer	Ware
Ferrell	Lee	Rives	Williams
Fite	Letson	Rountree	Young

—60

And the House concurred in and adopted the Senate amendment to the bill H. 857, said Senate amendment being as follows:

Amend H. 857 as follows:

By striking from the title of the bill, and from the body thereof, wherever they appear the following words: "Books, rugs, clothing, crockery and leather goods."

Yeas, 55; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Kilpatrick	Smith (Jefferson)
Adcock	Embry	Lee	Smith (Lee)
Allen	Fanning	Letson	Snodgrass
Arrington	Forman	Luck	Sollie
Ashcraft (Fayette)	Glover	McDaniel	Stewart (Calhoun)
Blackwell	Goode	McGowen	Thompson (Etowah)
Boykin	Goodwyn	Melton	Tunstall
Burns	Grove	Moxley	Verner
Burton	Henley	Odom	Wall
Cato	Henson	Parker	Walton
Christian	Hodgson	Patterson	Ware
Culver	Howze	Posey	Williams
Deloney	Jeter	Rives	Young
Dickinson	Jones	Sessions	

—55

And the House concurred in and adopted the Senate amendment to the bill H. 563, said Senate amendment being as follows:

To amend House bill 563 by adding the following at the close of section 1:

"Provided further that any part of the conditional appropriation of \$100,500.00 for which applications have not been filed on October first of each year shall be apportioned to the counties whose applications are on file for sums in excess of the \$1,500.00 allotted to each county. The maximum amount which any county may receive over and above the \$1,500.00 shall be \$1,000.00, which must be matched by an equal amount. If the sum of all applications for additional appropriations from the conditional appropriation is in excess of the balance remaining of the conditional appropriation, this balance shall be apportioned to the counties making such applications in proportion to the total amount for which applications have been made.

Yeas, 54; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	McGowen	Smith (Lee)
Adcock	Forman	Melton	Snodgrass
Allen	Goodwyn	Moxley	Stewart (Bibb)
Ashcraft (Fayette)	Grove	Norman	Thompson (Etowah)
Bowen, Lewis	Guy	Odom	Tyson
Bowen, L. K.	Henley	Parker	Varner
Boykin	Henson	Patterson	Verner
Burns	Hodgson	Posey	Walker
Burton	Jeter	Rives	Wall
Cook	Jones	Rountree	Ware
Culver	Kilpatrick	Sessions	Mrs. Wilkins
Dickinson	Lee	Smith (Clay)	Williams
Dowdle	Letson	Smith (Jefferson)	Young
Embry	McDaniel		

—54

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill:

H. 396. To authorize the appointment of guardians for persons needing same, and entitled to the benefits of the Act of Congress of the United States, known as the War Risk Insurance Act; to provide for the manner in which such guardians shall be appointed; and to prescribe their powers and duties.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the Senate amendment to the bill H. 396, said Senate amendment being as follows:

A BILL

To be entitled An Act to authorize the appointment of guardians for persons needing same, and entitled to the benefits of

the Act of Congress of the United States, known as the War Risk Insurance Act; to provide for the manner in which such guardians shall be appointed; and to prescribe their powers and duties.

Section 1. Be it enacted by the Legislature of Alabama, That in any case where it is found necessary that a guardian may be appointed for any person or persons entitled to the benefits of the Act of Congress known as the War Risk Insurance, before such person or persons can receive the benefits of said Act, and where a guardian has not already been appointed for such person or persons under the existing laws of this State, a guardian may be appointed in the following manner, which shall be in addition to the methods of appointment now provided by law.

Section 2. A petition may be filed by any person claiming the right to be appointed guardian, or if there be no one who may claim such right, it may be filed by any responsible person, or trust company, resident of the county in which the beneficiary of said Act has his or her domicile, temporary or permanent, or in the county where such person is confined or detained in some hospital or institution for care or treatment.

The petition shall set forth all the facts justifying the appointment, and due proof shall be made that such appointment is necessary. A notice by the United States Veterans Bureau, or duly authorized official of the United States Bureau to the effect that an appointment of a guardian is necessary shall constitute sufficient proof to justify the appointment of the guardian.

Where the appointment of a guardian is sought, a certified copy of the examination of the party, made by the experts appointed by the United States Veterans Bureau, or duly authorized official of the United States Veterans Bureau, shall be filed with the petition where such can be obtained. The name of the institution, if any, in which the person for whom the guardian is to be appointed, is being treated, must be stated in the petition.

Section 3. That it shall not be necessary to cite the person for whom the guardian is sought, no jury need be summoned and there shall be no pronouncement of insanity in the case. But the said person shall at all times have the right to have the appointment revoked and an accounting made to him, or her, by the guardian, upon producing due proof that he or she has been pronounced cured.

Section 4. That in the appointment of such guardian the relatives in the following order shall be given preference: the wife or husband, the father, mother, grandfather, grandmother, sister, brother and other relatives in the order of their relationship. The relatives shall be given preference in the order as set out above. In all cases, however, the judge must satisfy himself that the applicant is fit and proper for such guardianship. Bond

must be required in all cases in an amount proper and reasonable, but not less than the money due and to be due during a period of twelve months. Bond need not be required of a trust company, or bank authorized to act as guardian or executor under the laws of this State.

Section 5. Be it further enacted, That the sole power of the guardian so appointed under the foregoing provisions shall be to receive any money or moneys due the beneficiary under the said Act of Congress, and to distribute same for the benefit of the said beneficiary. The said guardian shall also have the right to receive for the account of the said beneficiary any money or moneys due from the United States government in the way of arrears of pay, bonus, or other sums due by reason of his or her service (or the service of the person through whom the beneficiary claims), in the military, or naval, branch of the United States government.

The said guardian shall have no power or right to administer other property belonging to the beneficiary. When the appointment of a general guardian for such person is made in the proper court, and such guardian has qualified and taken charge of the other property of said beneficiary, such general guardian may file notice of such appointment in the court where the guardianship hereunder is pending, and may have this guardianship settled up and closed so that the general guardian may take charge of the money herein referred to and described.

Section 6. A guardian appointed hereunder shall annually file in the court of probate an account of his guardianship, accompanied with the vouchers, showing his receipts and disbursements, which must be verified by affidavit. A copy of such statement or account must be filed with the district manager of the United States Veterans Bureau, and proof made that such copy has been so filed. Thereupon the court must appoint a day for the settlement, which must be not less than two weeks from the date of the filing of said accounts; which date of hearing may be continued from time to time as may be necessary. The court need not give notice by advertisement or by posting notice at court house door and other public places in the county. The court need not appoint a guardian ad litem to represent said person at said hearing. If the residence of the next nearest of kin of said person is known, notice by registered mail must be sent to such relative. Notice also may be given the ward, or, if said ward be mentally incapable of understanding the matter at issue, such notice may be served on the person in charge of the institution where such ward is detained, or on the person having the charge or custody of said ward.

Section 7. It shall be the duty of the judge of said court, on the day on which said hearing is had, to carefully examine the

vouchers, and to audit and state the account between the guardian and the ward. Proper evidence must be required in support of all vouchers or items of the account that may appear to the court not to be just and proper; such evidence to be taken by affidavit or by any other legal mode. If any voucher be rejected, the cost accruing regarding same must be taxed against the guardian personally. After such examination, the court must render a decree upon said account, which must be entered of record; and the account and vouchers must be recorded. Such partial settlement must be taken and presumed as correct on final settlement of said guardianship.

Section 8. Upon the filing of the petition hereunder for guardianship, and granting of same, and entering decree thereon, the judge of the probate court shall be entitled to a fixed charge or cost of five dollars (\$5.00) together with the cost of recording the petition, bond and decree and letters of guardianship. The notice from the United States Veterans Bureau and the certified copy of the examination made by experts, etc., need not be recorded, but must be kept in the file. The cost of such certified copy herein referred to shall not exceed \$2.50. The attorney's fee for the attorney filing said petition and conducting said proceedings shall be fixed by the court in an amount as reasonably small as possible, not to exceed \$25.00.

For the hearing on annual partial settlement of guardianship the probate judge shall be allowed a fixed fee of \$5.00, together with cost of recording the account and vouchers and decree, etc. The fee of the attorney conducting said proceedings shall be fixed by the court on a reasonable basis not to exceed \$25.00.

Section 9. On the final settlement of such guardianship, the notice provided herein for partial settlement must be given, and other proceedings conducted as in cases of partial settlement, except that a guardian ad litem must be appointed to represent the ward, whose fee shall in no case exceed \$15.00. Providing, however, if the said ward has been pronounced cured, and is shown to be mentally sound, and appears in court, and is twenty-one years and over, the said settlement will be had between the guardian and ward under the direction of said court, without notice to next of kin, or the appointment of a guardian ad litem. A copy of the said final settlement so made, in all cases, must be filed with the United States Veterans Bureau.

Section 10. This Act is intended to apply solely to soldiers, sailors, marines, nurses, and others, or their dependents and beneficiaries, under the War Risk Insurance Act herein referred to, and this Act shall in no manner be held to amend or repeal existing laws relative to guardianship, except as and to the extent hereinabove provided.

Section 11. The guardian hereunder shall be entitled, for his services, to commissions of two and one-half per cent on his receipts, and two and one-half per cent on all disbursements, including the amount of money paid or decreed to be paid to the ward, or to a succeeding guardian. Said guardian shall also be allowed any reasonable premiums paid on his bond as guardian, and for special expenses incurred or services rendered, the guardian may be allowed such compensation as is just and reasonable having due regard to the value of the estate and of the services so rendered. But no allowance of actual expenses, or for special services, must be made, except upon itemized statement of same, verified by affidavit; and in its decree the court must state each item for which such compensation is allowed.

Where the amount in hand, or received by the guardian periodically, is not all necessary for the support and maintenance of the ward, the court may authorize the guardian to pay over a certain pro rata part of said money to certain relatives or dependents of said ward as contemplated and provided by the Act of Congress in reference to same.

Section 12. The provisions of this Act shall become effective immediately upon its approval by the Governor.

Yeas, 58; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	McDaniel	Smith (Jefferson)
Adcock	Ferrell	McGowen	Smith (Lee)
Allen	Forman	Norman	Snodgrass
Ashcraft (Fayette)	Glover	Odom	Sollie
Blackwell	Goode	Parker	Stewart (Bibb)
Bowen, Lewis	Goodwyn	Patterson	Stewart (Calhoun)
Bowen, L. K.	Graves	Posey	Thompson (Etowah)
Boykin	Grove	Ringer	Thompson (Jackson)
Burns	Henley	Rives	Tiller
Cook	Henson	Rountree	Verner
Culver	Hodgson	Sanders (Conecuh)	Walker
Deloney	Jeter	Sanders (Pike)	Walton
Dickinson	Kilpatrick	Sessions	Williams
Dowdle	Lee	Smith (Clay)	Young
Embry	Letson		

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills and S. J. R., your signature thereto is requested:

S. 191. Providing for the execution of convicts, condemned to death, by electrocution; prescribing the procedure in such cases; providing the means for accomplishing the purposes of this Act; and repealing all laws or parts of law in conflict herewith.

S. 292. To provide for the payment of mileage and per diem to members of certain recess committees of the Legislature of 1923.

S. 263. To relieve banks and trust companies doing a banking business from liability to a depositor for the payment in good faith of a forged or raised check, issued in the name of such depositor, unless within six months after the return to the depositor of the voucher representing such payment, the depositor shall notify the bank that the check so paid was forged or raised.

S. 71. To amend section five (5) of an Act, approved September 25, 1915, and entitled, "An Act to provide for the election of a solicitor for each judicial circuit in the State, to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensations."

S. 520. To fix the time and places of holding the county court of Russell county.

S. 381. To empower municipal corporations having a population of 100,000 inhabitants, or more, according to the last or any subsequent Federal census, to provide for, regulate, and restrict the segregation of business, industrial and residential sections, the height, number of stories, size of buildings and other structures, the percentage of lot that may be occupied, the distance of buildings from streets, alleys or other public ways, the distance between building, the density of population and the location and use of buildings, structures and land; to divide the municipality into zones or districts; to regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or lands within such zones or districts, and the housing or residence therein of the different classes of inhabitants; to provide for the creation of a zoning commission, and the power, jurisdiction and authority thereof; to provide for a board of zoning adjustment and define the authority, powers and functions of such board of zoning adjustment, its procedure and an appeal from its decisions; and to provide remedies for the enforcement of ordinances, resolutions or regulations made by such municipalities under the authority of this Act.

S. J. R. 181. Relative to allowing the Secretary of the Senate, Assistant Secretary of the Senate, Chief Clerk to the Secretary of the Senate, together with six clerks to be named by the Secretary, also Clerk of the House, Assistant Clerk of the House, and Reading Clerk of the House, together with six other clerks, to be named by the Clerk of the House, being allowed thirty days after the final adjournment in which to check and compare the Journals and Registers of both houses, they being allowed the same per diem as they are now allowed by law for such work.

S. 478. To authorize cities which now have a population of not less than thirty thousand nor more than fifty thousand inhabitants according to the latest Federal census, or which may hereafter have such population according to any Federal census hereafter taken, to fix and collect licenses for business done within the police jurisdiction of such city but without the limits thereof.

S. 375. To subject the salary of officials and employees of a city, county or State government, or any department or institution thereof, to writs of garnishment, issued on judgments ex contractu founded upon debts, demands or claims, which originated subsequent to the date of approval of this Act, to provide upon whom such writs may be served, and how answered; and to provide for service of writ upon an official or agent of the State, the answer to said writ by such agent or official, the judgment thereon, and the legal effect of such service, and judgment.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTION.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and Senate joint resolution, the titles to which are set out in the above and foregoing message from the Senate.

MOTION TO TAKE FROM ADVERSE CALENDAR.

Mr. Goodwyn moved to take the bill S. 400, from the adverse calendar, and place the same upon the regular calendar of the House for passage. The motion prevailed and the bill:

S. 400. To fix the compensation or salaries to be paid the judges of probate, sheriffs, tax collectors, tax assessors, and members of courts of county commissioners or boards of revenue and other courts of like jurisdiction in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same. To provide for the selection of clerical help and other assistance to said offices and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such offices: and to require all of said officers to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by

law to be collected by said officers, as other moneys belonging to said counties are paid.

Was read a second time and placed upon the regular calendar of the House.

BILL ON SECOND READING.

Mr. Grove, chairman of the Standing Committee on Game, Fish and Forestry Preservation, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

S. 366 (with amendment). To revise and amend chapter 219 of the Code of 1907.

Was read a second time and placed on the calendar.

BILL ON THIRD READING.

S. 243. To create a Bureau of Insurance for the State of Alabama, in lieu of the Department of Insurance; defining the duties and powers of such bureau; providing for the necessary officers and employees for such bureau, and fixing their compensation; defining their duties and powers; and vesting such bureau and officers with all the authority now exercised by any other department and any other officers pertaining to the insurance business in this State, thereby relieving such other departments and officers of all duties and responsibilities relating or pertaining to the insurance business in the State of Alabama.

Was taken up. Mr. Long offered the following amendment to the bill:

Amend by striking out the figures \$4,000.00 four thousand dollars where they appear and insert in lieu thereof the figures \$3,000.00 three thousand dollars.

And on motion of Mr. Williams the amendment offered by Mr. Long was laid upon the table.

And the bill:

S. 243. To create a Bureau of Insurance for the State of Alabama, in lieu of the Department of Insurance; defining the duties and powers of such Bureau; providing for the necessary officers and employees for such Bureau, and fixing their compensation; defining their duties and powers; and vesting such Bureau and officers with all the authority now exercised by any other department and any other officers pertaining to the Insurance business in this State, thereby relieving such other Departments and officers of all duties and responsibilities relating or pertaining to the Insurance business in the State of Alabama.

S. 388. To regulate corporations engaged in the business of issuing guaranties of title to land.

Was read a third time at length and passed.
Yeas, 53; Nays, 22.

Yeas:

Messrs:

Mr. Speaker	Glenn	Luck	St. John
Allen	Goode	McDaniel	Sessions
Ashcraft (Fayette)	Goodwyn	McGowen	Smith (Jefferson)
Ashcraft (Lauderd ^l)	Graves	Melton	Smith (Lee)
Bowen, L. K.	Grove	Moorer	Stewart (Calhoun)
Byars	Hawkins	Norman	Thompson (Etowah)
Calloway	Henley	Odom	Tunstall
Cato	Hodgson	Patterson	Verner
Deloney	Howze	Pickens	Walker
Dunwoody	Jeter	Posey	Wall
Embry	Jones	Ringer	Mrs. Wilkins
Fanning	Kilborn	Rives	Williams
Ferrell	Letson	Rountree	Young
Fite			

—53

Nays:

Messrs:

Adcock	Cook	Lee	Smith (Clay)
Blackwell	Dowdle	Long	Snodgrass
Boykin	Guy	Love	Sollie
Burns	Hall	Moxley	Tyson
Burton	Henson	Sanders (Conecuh)	Ware
Christian	Howard		

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Mr. Fite moved to reconsider the vote by which the bill H. 243 was passed and then moved to table his motion to reconsider and the motion to table prevailed.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 201. To provide for the care, use and investment of State sinking funds for the payment of State bonds or other State obligations.

Also:

H. 909. To provide for the election of three school trustees for each school district in St. Clair county, Alabama, and to prescribe their duties.

Also:

H. 908. To provide for the election of a county superintendent of education for St. Clair county, Alabama; to fix his term of office; to prescribe his salary and the manner of payment; to define his qualifications, powers and duties; to provide for a spe-

cial election to be held to elect such county superintendent under this Act, and to provide for the election of his successor in office.

Also:

H. 666. To amend section 8 of an Act entitled "An Act to provide for the organization, regulation and government of the State Bar Association, including admissions and disbarments of lawyers," approved August 9th, 1923.

Also:

H. 1019. To authorize courts to prohibit, for definite periods or perpetually, the operation of motor vehicles by persons convicted of operating a motor vehicle in violation of a criminal statute or ordinance, and to fix the punishment for the violation of such order, and to provide for appeals from such orders.

Also:

H. 856. To establish and regulate liens in favor of jewelers, watchmakers and silversmiths who shall alter, repair or do any work on any article of personal property, and to regulate the procedure for enforcement thereof.

Also:

H. 843. To authorize the State Auditor to draw a warrant on the treasury in favor of the employees and clerks of the Legislature of 1923 as provided by the report of the committee appointed under Senate joint resolution No. 86, and adopted August 2, 1923.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

BILL ON THIRD READING.

S. 295. To provide for the issuing of bonds by municipalities and to provide for the creation of a sinking fund to liquidate the bonds of municipalities and to provide for the investment of such sinking funds and to provide for the supervision of certain persons, firms, or corporations with whom such sinking funds are invested by the superintendents of banks of Alabama.

Was taken up. Mr. Verner offered the following amendment to the bill:

Amend Senate bill 295 by adding to last of section 7: "Provided this shall not apply to bond issues heretofore authorized but not issued."

And the amendment was adopted.

Yeas, 56; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Goodwyn	Moorer	Stewart (Bibb)
Adcock	Graves	Moxley	Stewart (Calhoun)
Ashcraft (Fayette)	Grove	Norman	Thompson (Etowah)
Burns	Guy	Parker	Thompson (Jackson)
Byars	Hall	Patterson	Tiller
Calloway	Henley	Ringer	Tunstall
Christian	Hodgson	Rives	Tyson
Culver	Holcombe	Rountree	Verner
Dickinson	Howze	Sanders (Conecuh)	Walker
Dowdle	Kilpatrick	Sessions	Wall
Embry	Lee	Smith (Jefferson)	Walton
Fanning	Letson	Smith (Lee)	Ware
Fite	McGowen	Snodgrass	Mrs. Wilkins
Glenn	Melton	Sollie	Young

—56

And the bill:

S. 295. To provide for the issuing of bonds by municipalities and to provide for the creation of a sinking fund to liquidate the bonds of municipalities and to provide for the investment of such sinking funds and to provide for the supervision of certain persons, firms, or corporations with whom such sinking funds are invested by the superintendents of banks of Alabama.

As amended, was read a third time at length and passed.

Yeas, 64; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Howze	Poole
Adams	Fite	Jeter	Posey
Adcock	Forman	Jones	Rives
Allen	Gaines	Kilborn	Rountree
Blackwell	Glenn	Lee	St. John
Boykin	Glover	LeMaistre	Sessions
Burns	Goode	Letson	Sollie
Burton	Goodwyn	Long	Tiller
Byars	Graves	Love	Tyson
Calloway	Grove	Luck	Varnier
Cato	Guy	Melton	Verner
Cook	Hall	Moorer	Wall
Culver	Hatter	Nichols	Ware
Dowdle	Hawkins	Norman	Mrs. Wilkins
Dunwoody	Henley	Parker	Williams
Elliott	Henson	Patterson	Young

—64

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate joint resolution:

By Rules Committee:

S. J. R. 190. Be it resolved by the Senate, the House concurring, That the Rules Committee of the Senate and the Rules Committee of the House, meet in joint session tonight at 8 o'clock for the purpose of determining on what date the Legislature shall adjourn sine die.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the S. J. R. 190, which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate bills:

S. 425. To provide for the appointment of official court reporters by the judges of the criminal and civil divisions of the circuit court in judicial circuits which now have or may hereafter have more than five judges; to fix their compensation and define their duties.

Also:

S. 449. To provide and submit to the qualified electors of the State of Alabama at an election to be held at the next general election at which this amendment is proposed, an amendment to the Constitution of the State of Alabama, whereby the following municipal corporations, Thorsby, Alabama City, Piedmont and Greenville and Roanoke, Greensboro and Calera, Florala and Opp, Evergreen and Fayette, Clayton and Clio in the State of Alabama, may levy and collect a rate of taxation on the property situated therein not exceeding in the total in any one year one and one-half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporations shall not in any one year exceed one (1) per centum, unless the rate in excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipal corporations, respectively, at elections to be held by them from time to time for such purposes and to provide for such elections.

And has concurred in the following House joint resolution:

H. J. R. 108. Relative to the Governor requesting the United States government to donate certain equipment to the Veterans Bureau.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 241. To amend section 3467 of the Code of Alabama.

H. 898. To authorize and empower the directors of the Alabama Boys' Industrial School to sell and convey land belonging to said school.

H. 524. To amend sections 2692, 2697, 2698, 2699 and 2700 of the Code of Alabama of 1907.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the Executive Department on the dates and hours named, and that I hold the receipt of the Executive Department for same:

Delivered to the Governor Sept. 25, 1923 at 4:30 P. M.:

H. 201.

Also:

H. 909.

Also:

H. 908.

Also:

H. 666.

Also:

H. 1019.

Also:

H. 856.

Also:

H. 843.

J. H. Stewart,
Clerk.

RECESS.

The hour of five o'clock having arrived, the House recessed until 8 o'clock tonight.

NIGHT SESSION.

The hour of eight o'clock having arrived the House reconvened.

BILL ON SECOND READING.

Mr. Luck, chairman of the Standing Committee on Local Legislation, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Bröwer:

S. 358. To provide for the relief of Arthur Greenwood, Spiro Greenwood, and Harry Greenwood, partners doing business under the style and firm name of Greenwood Cafe.

The above and foregoing bill was read a second time and placed on the calendar.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 853. To amend sections 2 and 15 of an Act entitled "An Act to regulate the mining of coal in Alabama," approved April 18, 1911, and as amended by an Act approved 30th day of September, 1919.

H. 940. To provide that the unexpended balances in all special and trust funds, except those provided for in the Constitution and such appropriations as are taken in whole or in part from the general educational fund or from the annual legislative appropriation to the public schools and the pension fund, be made to revert to the general fund at the close of each fiscal year.

H. 39. To provide for the completion of the topographical survey and map of the State of Alabama.

H. 95. To authorize boards of county commissioners, boards of revenue, or other like governing bodies of counties in Alabama to purchase or condemn road building and maintenance material, and rights-of-way for roads to and from such material.

H. 796. To enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to provide that said commission shall have the same powers and jurisdiction over public utilities engaged in interstate commerce not regulated under Acts of the Congress of the United States as said commission has over public utilities engaged in intrastate commerce within the State.

H. 296. To provide for the establishment of titles to real estate by a proceeding in rem.

H. 639. To provide for the establishment, conduct, development, equipment, improvement, and maintenance by cities having a population of one hundred thousand or more according to the last or any subsequent Federal census, of parks, park areas, park boulevards, playgrounds, park and playground systems, recreation centers, and other recreational facilities and activities; to define the powers and duties of such cities and their governing bodies in connection with all such matters; and to create a park and recreational board in all such cities, provide for the selection, terms of office, removal from office, qualifications and duties of the members thereof, and to define the powers of such board.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in the House amendment to the bill:

S. 295. To provide for the issuing of bonds by municipalities and to provide for the creation of a sinking fund to liquidate the bonds of municipalities and to provide for the investment of such sinking funds and to provide for the supervision of certain persons, firms, or corporations with whom such sinking funds are invested by the superintendents of banks of Alabama.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two houses on the House amendments to the bill:

H. 832. Creating and establishing the Juvenile Court of Mobile County, defining its powers and jurisdiction and providing for the process and procedure of said court; for the equipment of said court, for the judge and officers of said court, their terms of office and their salaries, and defining their duties, and the payment by the Board of Revenue and Road Commissioners of Mobile County of all premiums that may accrue on account of the bond of the clerk thereof; for the transportation of the probation officers; for the service of process, including warrants, and the fees thereof and the payment of said fees; for the detention of juvenile delinquents; providing for a commission to aid in carrying out the work of the court and prescribing its duties; and providing for appeals from any final order or judgment of said

court; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause or connive at a state of delinquency of any child sixteen years of age, or under, or produce, promote, or contribute to the conditions which render any child delinquent, and providing the punishment therefor; providing for the transfer of certain cases to said Juvenile Court, providing for the support and maintenance in certain cases of delinquent children by the Board of Revenue and Road Commissioners of Mobile County, or by the parents or out of the estates of such children; providing for the apprehension of such children and the commitment of them to any family, association, or institution; for the transportation of such children and the payment of the costs by Mobile County; providing for the commitment of juvenile delinquents to any family, association or institution within the State to which they may be, respectively committed, and providing for the payment of the costs thereof by the Board of Revenue and Road Commissioners of Mobile County; providing for payment by the city of Mobile, of one-half of the expenses arising out of the operation of said court; and for the protection of said children against any disqualification or prejudice in any other court, or in the civil service of the state or municipality on account of any judgment or order of said court, or any confession, statement, declaration or admission or silence or demeanor of said juvenile delinquents, or any statement made to any person or officer of the court, and providing for the repeal of certain laws.

And the President of the Senate appointed as conferees on the part of the Senate, Messrs. Craft, Griffith and Waddell.

And returns said bill herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate joint resolution:

By Mr. Hutson:

S. J. R. 189. Whereas, the offer of Henry Ford for the purchase of Muscle Shoals and Gorgas Plant has already accomplished great good in making Muscle Shoals an obvious national necessity, and in securing for the coffers of the government nearly three and one-half million dollars;

And whereas, the Legislature of Alabama fully realize that the purchase of the Muscle Shoals property by Henry Ford will mean many benefits and much good to the people, and especially the farmers of the United States;

And whereas, the sale of the Gorgas Plant to the Alabama Power Company makes it necessary for Henry Ford to modify his offer for the Muscle Shoals;

Be it therefore resolved by the Senate of Alabama (the House of Representatives concurring), That Henry Ford be earnestly requested to modify his offer and continue his fight for the Muscle Shoals property, that this great natural resource may be utilized for the benefit of the people of the United States.

And be it further resolved, That the Governor of Alabama be instructed to send a copy of this resolution to Henry Ford.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Ashcraft of Lauderdale, the House concurred in and adopted the Senate joint resolution 189, which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill:

H. 47. To amend chapter 21 of the Code of 1907 relating to the Geological Survey.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Pickens the House concurred in and adopted the Senate amendment to the bill, H. 47, said Senate amendment being as follows:

Amend section numbered 693 of House bill 47, so that it shall read as follows:

693 (2245) Salary—The State Geologist shall receive out of the State treasury a salary of four thousand dollars per annum, payable in equal monthly installments, as the salaries of other State officers are paid.

Yeas, 41; Nays, 15.

Yeas:

Messrs:

Mr. Speaker	Dowdle
Ashcraft (Fayette)	Embry
Ashcraft (Lauderd ¹)	Ferrell
Bowen, Lewis	Goode
Bowen, L. K.	Goodwyn
Deloney	Graves

Grove
Guy
Hatter
Henley
Hodgson
Holcombe

Howze
Jones
Kilborn
Lee
Letson
Luck

McDaniel
McGowen
Patterson
Pickens
Ringer

St. John
Smith (Jefferson)
Smith (Lee)
Stewart (Calhoun)

Tunstall
Tyson
Varner
Verner

Walker
Wall
Walton
Mrs. Wilkins

—41

Nays:

Messrs:

Adcock
Blackwell
Boykin
Burns

Burton
Cook
Forman
Hall

Henson
Sanders (Concuh)
Sessions
Stewart (Bibb)

Thompson (Etowah)
Thompson (Jackson)
Ware

—15

RESOLUTION.

The following resolution was introduced:

By Mr. Moxley:

H. R. 248. Be it resolved by the House, That when the hour of 9:30 P. M. arrives that the House devote such time as required to call the roll by counties for the purpose of passing only uncontested Senate bills.

And the resolution was referred to the Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bills:

H. 800. To amend an Act, approved October 1st, 1920, entitled 'An Act to amend section 9 of an Act entitled an Act' to provide for the appointment of an official court reporter by each circuit judge in Alabama; to fix their compensation, define their duties, and provide for special reporters in certain cases,' approved September 25, 1915.' "

H. 482. To amend section 5222 of the Code.

H. 343. To regulate the sales of real property under powers contained in mortgages or deeds of trust; providing a place for such sales; and further providing that any sale made contrary to the provisions of this Act shall be null and void.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Grove, the House concurred in and adopted the Senate amendment to the bill H. 800, said Senate amendment being as follows:

Amend H. 800 by adding at the end of section 1 the following:
"Provided this Act shall not affect any circuit in the State of Alabama having more than three circuit judges."

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Blackwell

Boykin

Burns

Burton

Byars

Cato

Cook

Culver

Deloney

Dickinson

Dowdle

Elliott

Embry

Fite

Forman

Gaines

Glenn

Glover

Goode

Goodwyn

Grove

Guy

Hall

Hatter

Jones

Kilborn

Lee

Letson

Long

Love

Luck

Melton

Moorer

Moxley

Nichols

Norman

Odom

Parker

Pickens

Poole

Rountree

St. John

Sessions

Snodgrass

Sollie

Tiller

Tunstall

Tyson

Varner

Verner

Walker

Wall

Walton

Ware

Williams

Young

—60

And the House concurred in and adopted the Senate amendment to the bill H. 482, said Senate amendment being as follows:

Amend H. 482 by inserting the word "ordering" in lieu of the word "confirming" in line 16.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Boykin

Burns

Burton

Byars

Cato

Cook

Culver

Embry

Fite

Gaines

Glenn

Glover

Goode

Grove

Guy

Hall

Hatter

Hawkins

Henley

Henson

Hodgson

Holcombe

Hornsby

Howard

Howze

Jeter

Jones

Kilborn

Lee

Letson

Long

Love

Luck

Melton

Moorer

Moxley

Nichols

Norman

Odom

Parker

Powell

Ringer

Rives

Rountree

Sollie

Tiller

Tunstall

Tyson

Varner

Verner

Walker

Wall

Walton

Ware

Williams

Young

—60

On motion of Mr. Walton the House concurred in and adopted the Senate amendment to the bill H. 343, said Senate amendment being as follows:

Strike section one from said bill and insert in lieu thereof the following:

Section One. That after the passage of this Act all sales of real estate, under powers of sale contained in mortgages and deeds of trust shall be held in the county where all or part of said real estate is situated. And notice of said sale shall be given, in the manner provided in such mortgage or deed of trust, in the

county where the mortgagor resides and the land, or a part thereof is located. Provided, however, if said mortgagor does not reside in the county where the land or any part thereof is located, then such notice must be published in the county where said land, or any material part thereof, is located.

Yeas, 60 ; Nays, 0.

Yeas :

Messrs :

Mr. Speaker

Adams

Adcock

Allen

Boykin

Burns

Burton

Byars

Cato

Cook

Culver

Embry

Fite

Gaines

Glenn

Glover

Goode

Graves

Grove

Guy

Hall

Hatter

Henley

Henson

Holcombe

Hornsby

Howard

Howze

Jeter

Jones

Lee

Letson

Long

Love

Luck

Melton

Moorer

Moxley

Nichols

Norman

Odom

Parker

Pickens

Poole

Posey

Powell

Ringer

Rives

Rountree

Snodgrass

Sollie

Tiller

Tunstall

Tyson

Varner

Wall

Walton

Ware

Williams

Young

—60

MESSAGE FROM THE SENATE.

Mr. Speaker :

The President of the Senate having signed the following Senate bills, your signature thereto is requested :

S. 522. To fix the time and places of holding the regular terms of the board of revenue of Russell county.

S. 470. To repeal an Act, entitled "An Act to provide a better system and the more efficient working of the public roads in Bullock county, approved September 30, 1903."

S. 521. To establish an additional circuit court in the county of Russell at Girard.

S. 509. To authorize the board of revenue of Montgomery county, Alabama, to pay to Frank Stollenwerck the sum of \$470.99 to refund to him taxes paid by him, by Emma Stollenwerck, deceased, and by Frank Stollenwerck, deceased, to the county of Montgomery on erroneous assessments made against property in Montgomery, Alabama, belonging to the respective parties at the times of said assessments.

S. 431. To propose an amendment to the Constitution of Alabama for the purpose of authorizing the Legislature to form or provide for the formation of drainage districts, and establishing and maintaining a drainage system for the building and maintaining of public roads, and for building and maintaining a sea wall or other protection against waves, storm or flood therein ; to

provide for the assessment of the whole or part of the cost of such improvements against the land in such districts to the extent of the increased value of said land by reason of the special benefits derived from such improvements; to provide for the issuance of bonds by such district with or without an election, and to order an election by the qualified electors of the State upon such proposed amendment to be held at the general State election in November, 1924. Provided the provisions as to roads and sea wall shall apply only to Mobile and Baldwin counties.

S. 501. To authorize the governing authorities of a municipality whose boundaries have been altered, extended or arranged so as to include the territory lying within the corporate limits of another municipality in another county to change the name of the municipality within a certain time after the extension of said corporate limits.

S. 444. To submit to the qualified electors of Alabama an amendment of the Constitution of Alabama authorizing Mobile county to increase its indebtedness for the purpose of constructing concrete or better than concrete surfaced public roads, and concrete or better than concrete bridges in said county, and a way for vehicular traffic between Mobile and Baldwin counties; to issue bonds therefor, and to levy and collect taxes on property in Mobile county to pay for the same, in addition to the indebtedness, bonds and taxes now authorized by the Constitution.

S. 369. To appropriate \$381.62 to be paid to Frank Stollenwerck to refund to him taxes paid by him by Emma Stollenwerck, deceased, and Frank Stollenwerck, deceased, to the State of Alabama on erroneous assessments made against property in Montgomery, Alabama, belonging to the respective parties at the times of said assessments and to authorize the State Treasurer to pay the same to said Frank Stollenwerck.

S. 345. To fix the compensation of members of the courts of county commissioners, boards of revenue, or other courts of like jurisdiction in this State, in counties which now have, or which may hereafter have, a population of ninety-six thousand and not exceeding one hundred fifty thousand people, according to the last Federal census or any such census which may hereafter be taken, for services actually performed by said officers as members of the board of review of said counties, and to provide for the payment of such compensation.

S. 471. To repeal an Act for the protection of lands and plantations from depredations by stock in Bullock county, approved December 8, 1880, and all amendments thereto.

S. 156. To regulate charges, fees or costs in criminal cases of the circuit courts in all counties in this State having a population of 200,000 according to the last or any subsequent Federal census.

S. 269. To provide for the proper display of the United States flag and the flag of the State of Alabama in the schools of Alabama that are supported in part or in whole by public funds and to provide for the enforcement of the same.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following resolution:

By Rules Committee:

S. J. R. 192. Be it resolved by the Senate, the House concurring, That when the two houses adjourn today, they adjourn to meet on Friday, September the 28th, 1923, at 9 o'clock A. M.

That upon adjournment that day, it be sine die.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Long, the House concurred in and adopted the S. J. resolution 192, which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 442. To authorize municipal corporations to divide the territory within the corporate limits into zones or districts and to provide the kind and character and use of structures that may be erected within the several zones and to rearrange the same from time to time and to adopt necessary ordinances to carry into effect the provisions of this Act.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE GOVERNOR.

Message to the House.

Gentlemen:

I herewith return to you House bill 142, entitled A Bill to regulate the feeding of prisoners in county jails, etc., without my approval. I, however, suggest the following amendments to the bill:

Amend the bill by striking out section 4 thereof and inserting in lieu thereof the following:

"Section 4. That there shall be allowed the sheriff for preparing and serving food the additional amount of twenty-five cents a day per capita for each prisoner up to and including five; twenty cents a day per capita for each prisoner in excess of five up to and including ten; and five cents a day per capita for each prisoner in excess of ten up to and including eighty-five, but there shall be no further allowance for any number of prisoners in excess of eighty-five. Provided, that the minimum allowance to the sheriffs under this section shall be not less than a dollar a day."

Amend the bill by striking out the last sentence of section 6, which begins with the phrase: "It shall be sufficient for the sheriff," and insert in lieu of this last sentence so stricken, the following:

"The sheriff shall set out the amount of money actually expended for purchasing and supplying of all foodstuffs for feeding prisoners during the month immediately preceding."

Amend the bill by striking out section 9 thereof and inserting in lieu thereof the following:

"Section 9. That each sheriff shall keep a record setting out the different kinds of food served daily in the jail, said record to be tabulated at least once a month showing the amount of each article of foodstuff with cost of same served, and the number of prisoners fed, during the month immediately preceding, and file a copy of the same between the first and tenth day of each month for the next preceding month with the State Prison Inspector and with the court of county commissioners or board of revenue. The sheriff shall keep on file invoices and supporting papers of all foodstuffs purchased or provided showing the date and amount of such purchases and the cost of same."

With these amendments the bill will meet my approval.

Respectfully submitted,
Wm. W. Brandon,
Governor.

GOVERNOR'S MESSAGE.

On motion of Mr. Holcombe the House concurred in and adopted the amendment proposed by the Governor to the bill H. 142, said Governor's amendment being set out in the above and foregoing message from the Governor.

Yeas, 62; Nays, 0.

Yeas:

Messrs:

Mr. Speaker Dunwoody
 Adcock Embry
 Allen Ferrell
 Ashcraft (Fayette) Glenn
 Ashcraft (Lauderdl) Glover
 Blackwell Goode
 Bowen, Lewis Goodwyn
 Bowen, L. K. Graves
 Boykin Grove
 Burton Guy
 Calloway Hatter
 Christian Henson
 Cook Hodgson
 Culver Holcombe
 Deloney Howze
 Dowdle Jones

Kilborn

Lee

Letson

Luck

McDaniel

McGowen

Melton

Moxley

Parker

Patterson

Pickens

Posey

Rountree

St. John

Sanders (Pike)

Sessions

Smith (Clay)

Smith (Jefferson)

Smith (Lee)

Snodgrass

Sollie

Stewart (Bibb)

Stewart (Calhoun)

Thompson (Etowah)

Tiller

Walker

Wall

Ware

Mrs. Wilkins

Williams

—62

Which was a majority of the whole number elected to the House.

And the bill:

H. 142. To regulate the feeding of prisoners in county jails; to provide the manner and method of payment therefor.

As amended by the amendment proposed by the Governor, was again read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker Dowdle
 Adcock Embry
 Allen Ferrell
 Arrington Forman
 Ashcraft (Fayette) Gaines
 Ashcraft (Lauderdl) Glover
 Blackwell Goode
 Bowen, Lewis Goodwyn
 Bowen, L. K. Graves
 Boykin Grove
 Burns Henson
 Calloway Hodgson
 Christian Holcombe
 Cook Howze
 Deloney Jones

Kilborn

Lee

Letson

Love

Luck

McDaniel

McGowen

Melton

Moxley

Odom

Parker

Patterson

Posey

Ringer

Rountree

Sanders (Pike)

Sessions

Smith (Jefferson)

Smith (Lee)

Snodgrass

Sollie

Stewart (Calhoun)

Thompson (Jackson)

Tiller

Tyson

Walker

Wall

Walton

Ware

Williams

—60

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 375. To provide that money, property or any other thing of value may be donated to be held in trust for the benefit of the elementary schools or school of the State, and to provide for the administration of such trust.

H. 384. To permit municipalities having a population of not less than 25,000 and not more than 150,000 according to the last or any subsequent Federal census, municipal corporations, and governing authorities of municipal corporations, in cases involving violations of municipal ordinances to assess as costs of court not exceeding four dollars in each case, and to provide how the costs shall be used, upon its collection.

H. 724. To provide for the issuance of subpoenas and attendance of witnesses in criminal cases, from time to time, and as often as any case is set for trial, in all judicial circuits in the State having more than two and less than five circuit judges.

H. 395. To authorize the attorney general of Alabama to carry into effect the provisions of an Act entitled an Act donating a section of land to Emma Johnson, a widow, formerly Emma Samson, in consideration of public service. Approved Feb. 10, 1899.

H. 374. To provide the manner of disbursement of funds derivable from sales and collections by the United States of properties and rentals in connection with the Alabama National Forest located in Lawrence, Winston and Franklin counties, Alabama; to direct the disposition of said funds by and within the several counties.

H. 831. To amend section 1 of an Act entitled An Act to provide for the appointment of deputy registers and deputy clerks for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputies—approved October 1, 1920.

H. 1014. To amend and re-enact an Act entitled 'An Act to provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama having a population of one hundred thousand or more, according to the last or any succeeding Federal census; to provide for a civil service board in such cities, fixing their duties, authority and powers,' approved February 10, 1923.

H. 891. To amend and re-enact an Act entitled an Act to create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census, or which shall have such population according to any such census that may be hereafter taken special funds to be known as Policemen's Pension and Relief Funds, same created in connection with the regularly organized and

paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pension and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years service; to provide for allowances or benefits to widows and children and dependent widowed mothers of such members of police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the county in which the city is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the Act being held unconstitutional shall not affect the validity of any other section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the Act be repealed. Approved February 16th, 1923.

H. 774. To further provide for improvement and maintenance of the public roads and bridges of Crenshaw county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service, and levy and collect a special privilege license tax; to provide the manner in which the funds so collected shall be used in the improvement and maintenance of the public roads and bridges of said county and for other purposes as set out in this Act and to provide for penalty for violating of and failure to comply with the provisions created under authority of this Act.

H. 944. To further regulate the issuance of executions in the circuit courts of counties of more than two hundred thousand

population, according to the last or any subsequent Federal census.

H. 1016. To extend the boundary lines of the town of Parrish, in Walker county, Alabama, so as to include in the territory of said corporation of the town of Parrish, in addition to the territory now embraced therein, the following described lands, to-wit: Beginning at the northwest corner of the northeast quarter of the northwest quarter of section 21, township 15 south, range 7 west, thence south five degrees east, three hundred and ninety-two and seven-tenths feet, thence south sixty degrees and twenty minutes east two hundred and thirteen and one-tenth feet, thence north forty degrees and thirty-five minutes, east five hundred and eighty feet, thence north thirty-two degrees and thirteen minutes, west three hundred and fifty-nine feet, thence south eighty-seven degrees and six minutes, west four hundred and fifty-four and five-tenths feet, thence south six degrees and three minutes, east two hundred and twenty-six and five-tenths feet to the place of beginning, all in Walker county, Alabama.

H. 964. Prescribing the salary and the manner of payment of the same, of the chief deputy sheriff for Walker county, Alabama.

H. 642. To prescribe the duties of sheriffs as to inferior criminal courts in all counties having a population of over eighty thousand, according to the last Federal census, or which may hereafter have such population according to any Federal census hereafter taken, in which the sheriff is not on a salary basis under and by virtue of a constitutional amendment, and to fix the compensation of the sheriffs of such counties, as well as the compensation of the sheriffs of all other counties in which the sheriffs are now or may hereafter be required to perform for the inferior criminal courts of their respective counties the services and duties by this Act specified and enumerated for sheriffs of counties having a population of over eighty thousand, for executing process out of such courts and for other services rendered in or to such courts, and to provide the method of payments and to limit the amount of fees and allowances to be paid by counties in cases wherein the fine and costs are not paid by convicted defendants, and to repeal all laws and parts of laws, general, local, private and special in conflict herewith.

H. 227. For the relief of Thomas J. Hale of Reform, Pickens county, Alabama, to pay him the sum of \$500.00 due him by a contract made with him by the State High School Commission, employing him as principal of the Pickens County High School for the year 1909-10.

H. 930. To provide for the preservation, development and improvement of the State's oysters and oyster beds; to provide

methods for the removal of oysters from the waters of this State; to provide for planting seed oysters and oyster shells on barren bottoms and depleted areas in the waters of Alabama; to provide for the repeal of statutes relating to leasing oyster bottoms; to provide for revenue to carry on the development of the State's oyster reefs and oyster bottoms; to provide for a tax on oysters; and for other purposes.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 142. To regulate the feeding of prisoners in county jails; to provide the manner and method of payment therefor.

By a vote of a majority of the whole number elected to the Senate; said vote being yeas 19, nays 0.

And said bill, H. 142, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote on the passage of said bill as amended being yeas 20, nays 1.

And said bill and the Governor's message is herewith returned to the House.

J. E. Speight,
Secretary.

BILLS ON THIRD READING.

S. 466. To relieve the tax assessor of Marshall county, Alabama, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order the original assessment lists and have same permanently bound and kept as a permanent record and prepare tax collector's abstracts from said assessment lists. And relieve the county of paying for the making of such book.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Blackwell

Boykin

Burns

Burton

Byars

Calloway

Cato

Christian

Cook

Culver

Deloney

Elliott

Embry

Ferrell

Fite

Gaines

Glenn

Goode

Graves

Grove

Guy

Hall

Hatter

Hawkins

Henley

Henson

Howard

Howze

Jeter

Jones

Kilborn

Lee

Long

Love

Luck

Melton

Mooneyham

Moorer

Pickens

Poole

Ringer

Rives

St. John

Sessions

Snodgrass
Sollie
Tiller

Tunstall
Tyson
Varner

Verner
Wall
Walton

Ware
Mrs. Wilkins
Young

—60

S. 283 (with amendment). To fix the salaries and compensation of certain State officials, appointees, employees, capitol watchmen and servants and to make it unlawful for any parties whose salaries or compensation is fixed hereby to accept any increase in such salary or compensation for any additional duties placed upon such person.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Ways, Means and Appropriations, said committee amendment being as follows:

Amend section 1, line 19, by striking out the words and figures "three thousand dollars (\$3,000.00)," insert in lieu thereof the words and figures "four thousand dollars (\$4,000.00)."

Amend section 1 further in lines 20 and 21 by striking out the words and figures "two thousand dollars (\$2,000.00)" and insert in lieu thereof "three thousand dollars (\$3,000.00)."

Amend section 4, line 6, by striking out the words and figures "twenty-one hundred dollars (\$2,100.00)" and insert in lieu thereof "twenty-four hundred dollars (\$2,400.00)."

Amend section 4, further, lines 7 and 8, by striking out the words and figures "twenty-one hundred dollars (\$2,100.00)" and inserting in lieu thereof "twenty-seven hundred dollars (\$2,700.00)."

Amend section 1, further, subdivision 20, by striking out the words and figures "three thousand dollars (\$3,000.00)" and inserting in lieu thereof "four thousand dollars (\$4,000.00)."

Amend section 4, further, item 8, by adding after the word "stenographer" the words "and bond clerk" and by striking out the words and figures "twelve hundred dollars (\$1,200.00)" and inserting in lieu thereof the words and figures "fifteen hundred dollars (\$1,500.00)."

Amend section 1, further, by adding at the end thereof "the salary of the commissioner of conservation shall be four thousand dollars (\$4,000.00) for every year."

Amend section 18, line 4, by striking out the words and figures "twenty-four hundred dollars (\$2,400.00)" and inserting in lieu thereof "not exceeding three thousand dollars (\$3,000.00) and not less than eighteen hundred dollars (\$1,800.00)."

Amend section 24, line 12, by striking out the words and figures "one thousand dollars (\$1,000.00)" and inserting in lieu thereof "fifteen hundred dollars (\$1,500.00)."

Amend section 4, subdivision 6, by striking out the words and figures "eighteen hundred dollars (\$1,800.00)" and inserting in lieu thereof "twenty-four hundred dollars (\$2,400.00)."

Amend section 13, line 3, by striking out the words and figures "twelve hundred dollars (\$1,200.00)" and inserting in lieu thereof "fifteen hundred dollars (\$1,500.00)."

Amend section 17, line 18, by striking out the figures "\$4,200.00" and inserting in lieu thereof the figures "\$4,500.00."

Amend section 12 so as to read as follows: "Sec. 12. There may be employed in the Department of Archives and History clerical assistants as follows: (1) one curator, whose salary shall be three thousand dollars (\$3,000.00) every year; (2) one chief clerk whose salary shall be twenty-four hundred dollars (\$2,400.00) every year; (3) one librarian, whose salary shall be two thousand dollars (\$2,000.00) for every year; (4) one stenographer and statistician, whose salary shall be fifteen hundred dollars (\$1,500.00) for every year; (5) one file clerk whose salary shall be twelve hundred dollars (\$1,200.00) for every year; (6) one stenographer and bookkeeper whose salary shall be twelve hundred dollars (\$1,200.00) for every year; (7) one servant, whose salary shall be six hundred and sixty dollars (\$660.00) for every year."

Amend section 20, so as to read as follows: Section 20. In the insurance department there may be employed one deputy insurance commissioner at a salary of three thousand dollars (\$3,000.00) for each year; one chief clerk at a salary of eighteen hundred dollars (\$1,800.00) for each year; one license clerk and stenographer at a salary of fifteen hundred dollars (\$1,500.00) for each year; one file and record clerk at a salary of twelve hundred dollars (\$1,200.00) for each year; one workmen's compensation clerk at a salary of twenty-four hundred dollars (\$2,400.00) for each year.

Mr. Long moved to indefinitely postpone the bill and pending amendment and the motion was lost.

Yeas, 32; Nays, 42.

Yeas:

Messrs:

Adcock	Dunwoody	Henson	Snodgrass
Allen	Fite	Lee	Sollie
Blackwell	Forman	Long	Stewart (Bibb)
Boykin	Gaines	Love	Thompson (Etowah)
Burns	Glenn	Moxley	Thompson (Jackson)
Burton	Glover	Parker	Tiller
Byars	Hall	Sanders (Pike)	Tyson
Cook	Hatter	Sessions	Ware

Nays:

Messrs:

Mr. Speaker	Bowen, Lewis	Christian	Embry
Ashcraft (Fayette)	Bowen, L. K.	Deloney	Ferrell
Ashcraft (Lauderdl.)	Calloway	Dowdle	Goode

Goodwyn	Kilborn	Pickens	Tunstall
Graves	Letson	Ringer	Verner
Grove	Luck	Rountree	Walker
Guy	McDaniel	St. John	Wall
Hodgson	McGowen	Smith (Jefferson)	Walton
Holcombe	Melton	Smith (Lee)	Mrs. Wilkins
Howze	Moorer	Stewart (Calhoun)	Williams
Jones	Patterson		

—42

Mr. Long offered the following amendment to the bill, S. 283:
Sec. 29. Provided that no State officials, appointees, employees, clerks or watchmen salary shall be increased under the provisions of this Act.

ADJOURNMENT.

Pending the further consideration of the bill, S. 283, and amendments, on motion of Mr. Fite the House adjourned until Friday morning, Sept. 28th, at nine o'clock.

FIFTIETH DAY.

House of Representatives,
Friday, Sept. 28th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Frank Willis Barnett of Birmingham.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs.			
Mr. Speaker	Embry	Kilborn	Sanders (Conecuh)
Adcock	Fanning	Kilpatrick	Sanders (Pike)
Allen	Ferrell	Lee	Sessions
Arrington	Fite	Letson	Smith (Clay)
Ashcraft (Fayette)	Forman	Long	Smith (Jefferson)
Ashcraft (Lauderdl.)	Gaines	Love	Smith (Lee)
Bealle	Glenn	Luck	Snodgrass
Blackwell	Glover	McDaniel	Sollie
Bowen, Lewis	Goode	McGowen	Stewart (Bibb)
Bowen, L. K.	Goodwyn	Melton	Stewart (Calhoun)
Boykin	Graves	Mooneyham	Thompson (Etowah)
Burns	Grove	Moorer	Thompson (Jackson)
Burton	Guy	Moxley	Tiller
Byars	Hall	Norman	Tunstall
Calloway	Hatter	Odom	Tyson
Cato	Henley	Parker	Varner
Christian	Henson	Patterson	Verner
Cook	Hodgson	Pickens	Walker
Culver	Holcombe	Poole	Wall
Deloney	Hornsby	Posey	Walton
Dickinson	Howard	Powell	Ware
Dowdle	Howze	Ringer	Mrs. Wilkins
Dunwoody	Jeter	Rountree	Williams
Elliott	Jones	St. John	Young

—96

A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Forty-Ninth Legislative Day, and finds same correct.

O. W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Forty-Ninth Legislative Day was approved.

LEAVE OF ABSENCE.

Was granted to Messrs. Adams, Coleman, Hampton, Hawkins, Hubbard, LeMaistre, Nichols, Rives and Rutherford for today.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills and House Joint Resolution with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 669. To amend an Act approved November 30, 1907, and entitled "An Act to provide for the protection of the forests of Alabama; to establish and create a State Commission of Forestry to consist of the Governor, a member of the State Tax Commission, the State Game and Fish Commissioner, the Commissioner of Agriculture and Industries, a member of the United States Forest Service, the professor of forestry in the Alabama Polytechnic Institute and one practical lumberman, to declare the county game and fish wardens, forest wardens; to declare constables, justices of the peace, sheriffs and deputy sheriffs, ex-officio deputy forest wardens and to provide for the appointment of deputy forest wardens by the Governor; to exempt from taxation for a period of ten years land which shall be planted in trees; to appropriate the sum of five hundred dollars annually for the purpose of carrying out the provisions of this Act; to create a forest reserve fund, and to provide for the payment of all fines, forfeitures and penalties arising under the provisions of this Act into said fund.

Also:

H. 603. To authorize courts of county commissioners and boards of revenue in the several counties of this State to deposit any funds arising from any special tax levied to pay bonds, which are in excess of amounts then payable on said bonds to deposit them in some solvent savings bank in the State of Alabama in the name of the county or to invest the same in interest bearing securities issued by the United States Government or by the State of Alabama.

Also:

H. 1005. To make appropriations for the ordinary expenses of the offices of the Governor, the Attorney General, the Ju-

diary Department, and the interest on the public debt, the State Security Commission, the Public Service Commission and the Department of Archives and History.

Also:

H. 396. To authorize the appointment of guardians to all persons entitled to the benefits of the Act of Congress, of the United States, known as the War Risk Insurance Act; to provide for the manner in which such guardians shall be appointed; and to prescribe their powers and duties.

H. 567. To amend Section 6 of an Act entitled "An Act to provide for the acceptance of the benefits of an Act by the Senate and House of Representatives of the United States of America in Congress assembled, (H. R. 4438, approved June 2, 1920), entitled 'An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment'; to provide for the administration of same, and to make appropriations for these purposes. * * *," approved October 6, 1920.

Also:

H. 642. To prescribe the duties of sheriffs as to inferior criminal courts in all counties having a population of over eighty thousand, according to the last Federal census, or which may hereafter have such population according to any Federal census hereafter taken, in which the sheriff is not on a salary basis under and by virtue of a constitutional amendment, and to fix the compensation of sheriffs of such counties, as well as the compensation of the sheriffs of all other counties in which the sheriffs are now or may hereafter be required to perform for the inferior criminal courts of their respective counties the services and duties by this Act specified and enumerated for sheriffs of counties having a population of over eighty thousand, for executing process out of such courts and for other services rendered in or to such courts, and to provide the method of payments and to limit the amount of fees and allowances to be paid by counties in cases wherein the fine and costs are not paid by convicted defendants, and to repeal all laws and parts of laws, general, local, private and special in conflict herewith.

Also:

H. 1016. To extend the boundary lines of the Town of Parrish, in Walker County, Alabama, so as to include in the territory of said corporation of the Town of Parrish, in addition to the territory now embraced therein, the following described lands, to-wit: Beginning at the northwest corner of the northeast quarter of the northwest quarter of Section 21, Township 15 south, Range 7 west, thence south five degrees east, three hundred and ninety-two and seven-tenths feet, thence south sixty degrees and twenty minutes east two hundred and thirteen and

one-tenth feet, thence north forty degrees and thirty-five minutes, east five hundred and eighty feet, thence north thirty-two degrees and thirteen minutes, west three hundred and fifty-nine feet, thence south eighty-seven degrees and six minutes, west four hundred and fifty-four and five-tenths feet, thence south six degrees and three minutes, east two hundred and twenty-six and five-tenths feet to the place of beginning, all in Walker County, Alabama.

Also:

H. 930. To provide for the preservation, development and improvement of the State's oysters and oyster beds; to provide methods for the removal of oysters from the waters of this State; to provide for planting seed oysters and oyster shells on barren bottoms and depleted areas in the waters of Alabama; to provide for the repeal of statutes relating to leasing oyster bottoms; to provide for revenue to carry on the development of the State's oyster reefs and oyster bottoms; to provide for a tax on oysters; and for other purposes.

Also:

H. 853. To amend Sections 2 and 15 of an Act entitled "An Act to regulate the mining of coal in Alabama," approved April 18, 1911, and as amended by an Act approved 30th day of September, 1919.

Also:

H. 891. To amend an re-enact an Act entitled an Act to create in all Cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census, or which shall have such population according to any such census that may be hereafter taken special funds to be known as Policemen's Pensions and Relief Funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pension and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department

after twenty years of service therein, the last five of which are consecutive years service; to provide for allowances or benefits to widows and children and dependent widowed mothers of such members of police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the County in which the city is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies, or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the Act being held unconstitutional shall not affect the validity of any other section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the Act be repealed. Approved February 16th, 1923.

Also:

H. 800. To amend an Act, approved October 1st, 1920, entitled 'An Act to amend Section 9 of an Act entitled an Act' to provide for the appointment of an official court reporter by each Circuit Judge in Alabama; to fix their compensation, define their duties, and provide for special reporters in certain cases,' approved September 25, 1915.' "

Also:

H. 964. Prescribing the salary and the manner of payment of the same, of the chief deputy sheriff for Walker County, Alabama.

Also:

H. 724. To provide for the issuance of subpoenas and attendance of witnesses in criminal cases, from time to time, and as often as any case is set for trial, in all judicial circuits in the State having more than two and less than five circuit judges.

Also:

H. 395. To authorize the attorney general of Alabama to carry into effect the provisions of an Act entitled an Act donating a section of land to Emma Johnson, a widow, formerly Emma Samson, in consideration of public service. Approved February 10, 1899.

Also:

H. 374. To provide the manner of disbursement of funds derivable from sales and collections by the United States of properties and rentals in connection with the Alabama National

Forest located in Lawrence, Winston and Franklin counties, Alabama; to direct the disposition of said funds by and within the several counties.

Also:

H. 482. To amend Section 5222 of the Code.

Also:

H. 241. To amend Section 3467 of the Code of Alabama.

Also:

H. 343. To regulate the sales of real property under powers contained in mortgages or deeds of trust; providing a place for such sales; and further providing that any sale made contrary to the provisions of this Act shall be null and void.

Also:

H. 831. To amend Section 1 of an Act entitled An Act to provide for the appointment of Deputy Registers and Deputy Clerks for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputies—approved October 1, 1920.

Also:

H. 524. To amend Sections 2692, 2697, 2698, 2699 and 2700 of the Code of Alabama of 1907.

Also:

H. 1014. To amend and re-enact an Act entitled 'An Act to provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama having a population of one hundred thousand or more, according to the last or any succeeding Federal census; to provide for a civil service board in such cities, fixing their duties, authority and powers,' approved February 10, 1923.

Also:

H. 898. To authorize and empower the directors of the Alabama Boys' Industrial School to sell and convey land belonging to said school.

Also:

H. 566. To make an appropriation for the erection, repair and equipment of rural school buildings and to provide for its apportionment.

Also:

H. 589. To make appropriations to the Alabama Boys' Industrial School.

Also:

H. 760. To appropriate the necessary sum for payment of amounts due by the State to any county for preparing and serving food for prisoners in their respective county jails from January 1st, 1921 to June 30, 1923, and which are unpaid.

Also:

H. 142. To regulate the feeding of prisoners in county jails and to provide for the manner and method of payment therefor.

Also:

H. 639. To provide for the establishment, conduct, development, equipment, improvement, and maintenance by cities having a population of one hundred thousand or more according to the last or any subsequent Federal census, of parks, park areas, park boulevards, playgrounds, park and playground systems, recreation centers, and other recreational facilities and activities; to define the powers and duties of such cities and their governing bodies in connection with all such matters; and to create a park and recreation board in all such cities, provide for the selection, terms of office, removal from office, qualifications and duties of the members thereof, and to define the powers of such board.

Also:

H. 375. To provide that money, property or any other thing of value may be donated to be held in trust for the benefit of the elementary schools or school of the State, and to provide for the administration of such trust.

Also:

H. 296. To provide for the establishment of titles to real estate by a proceeding in rem.

Also:

H. 384. To permit municipalities having a population of not less than 25,000 and not more than 150,000 according to the last or any subsequent Federal census, municipal corporations, and governing authorities of municipal corporations, in cases involving violations of municipal ordinances to assess as costs of court not exceeding four dollars in each case, and to provide how the costs shall be used, upon its collection.

Also:

H. 774. To further provide for improvement and maintenance of the public roads and bridges of Crenshaw county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service, and levy and collect a special privilege license tax; to provide the manner in which the funds so collected shall be used in the improvement and maintenance of the public roads and bridges of said county and for other purposes as set out in this Act and to provide for penalty for violating of and failure to comply with the provisions created under authority of this Act.

Also:

H. 753. To amend Section 3 of Article 2, Section 2 of Article 3, Section 24 of Article 3, Section 5 of Article 8, Article 12 by adding Section 5½, Section 8 of Article 12, Section 5 of Ar-

title 15, Section 3 of Article 18, Section 3 of Article 20, Section 2 of Article 24, Section 7 of Article 24, Section 10 of Article 24, and Section 2 of Article 40 of an Act entitled "An Act to provide a complete educational system for the State of Alabama * * *," approved September 26, 1919.

Also:

H. 481. To authorize boards of revenue or courts of county commissioners to make appropriations to county boards of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational training.

Also:

H. 857. To regulate the sale at public auction of gold, silver, plated ware, precious stones, watches, clocks, jewelry, books, bric-a-brac, china, glassware and to provide penalties for the violation thereof.

Also:

H. 778. To make an appropriation to the State Board of Education for executive, supervisory and clerical purposes in the administration of the State Department of Education.

Also:

H. 601. To make appropriations for the promotion of vocational education in agriculture, trades and industries, and home economics in co-operation with the Federal Board for Vocational Education or otherwise.

Also:

H. 660. To authorize the Governor, the Chief Justice of the Supreme Court, and the Attorney General to acquire for the use of the State additional property.

Also:

H. 563. To make an appropriation for the maintenance of County High Schools and for high school supervision.

Also:

H. J. R. 108. Relative to equipment of vocational institutions being the property of the United States Government and that such equipment be donated to co-operative institutions or to be offered for sale to such institutions at a minimum cost.

Also:

H. 940. To provide that the unexpended balances in all special and trust funds, except those provided for in the Constitution and such appropriations as are taken in whole or in part from the General Education Fund or from the annual legislative appropriation to the public schools and the pension fund, be made to revert to the general fund at the close of each fiscal year.

Also:

H. 95. To authorize boards of county commissioners, boards of revenue, or other like governing bodies of counties in Alabama

to purchase or condemn road building and maintenance material, and rights-of-way for roads to and from such material.

Also:

H. 796. To enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to provide that said Commission shall have the same powers and jurisdiction over public utilities engaged in interstate commerce not regulated under acts of the Congress of the United States as said commission has over public utilities engaged in intrastate commerce within the State.

Also:

H. 227. For the relief of Thomas J. Hale of Reform, Pickens County, Alabama, to pay him the sum of \$500.00 due him by a contract made with him by the State High School Commission, employing him as principal of the Pickens County High School for the year 1909-10.

Also:

H. 944. To further regulate the issuance of executions in the Circuit Courts of counties of more than two hundred thousand population, according to the last or any subsequent Federal census.

Also:

H. 47. To amend Chapter 21 of the Code of 1907 relating to the Geological Survey.

Also:

H. 39. To provide for the completion of the topographical survey and map of the State of Alabama.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

RESOLUTIONS.

The following resolutions were introduced:
By Rules Committee:

H. R. 249. Resolved by the House, that on the 50th Legislative Day no motion to indefinitely postpone shall be entertained; that members shall remain in their seats, and no member addressing the chair elsewhere than from his seat shall be recognized, but after being recognized by the Speaker may address

the House from such place as the Speaker may permit; that no member shall be permitted to interrupt or ask a question of a speaker. That hereafter no member shall be allowed to speak more than three minutes at any one time nor more than once on any question.

And the rules were suspended and the resolution was adopted.

By Mr. Parker:

H. J. R. 251. A Joint Resolution, the House and Senate concurring. Whereas the constitutional amendment authorized twenty-five million dollars for building roads and bridges to connect the county seats; and Whereas a system of State highway roads and bridges has been laid out by the State Highway Department on which the Federal Government has agreed to give Federal aid known as the 7% Federal aid system; and Whereas the State Highway Commission was unable in many counties to furnish engineering forces to make surveys, plans and specifications so that the projects could be completed, and the funds to pay for same were furnished by many of the counties on projects that were authorized to be constructed by the State Highway Commission; Therefore be it resolved by the House of Representatives, the Senate concurring, that all road projects which have been authorized and surveyed by the Highway Commission and those authorized and surveyed not completed, shall be constructed first in their order as they appear on the record of the minutes book of the State Highway Commission, and they shall have priority over all road and bridge construction by the Highway Department over any new work on projects that come after these resolutions and orders which are adopted by the Legislature of Alabama. Be it further resolved that copies of these resolutions be transmitted to the State Highway Commission of Alabama.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Parker:

H. R. 252. Resolved by the House of Representatives that we extend to the Montgomery Advertiser, Mobile Register, Birmingham Age-Herald, and the Christian Science Monitor our heart felt thanks for their kindness and generous thoughtfulness of us during our past session by furnishing us with their valuable papers which was so much appreciated and of such vast help to us in the discharge of our duties.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Fite:

H. R. 253. Resolved by the House that the members of this House do hereby express their appreciation to Hon. Cyrus B.

Brown, our reading clerk, for the magnificent manner in which he has discharged his duties, and for the great aid he has been to this body and to each member of the House. Be it further resolved that the thanks of the House be extended to the said Cyrus B. Brown for his uniform courtesy and willingness to aid and assist us in our efforts as Representatives of the people of Alabama.

And the rules were suspended and the resolution was adopted.
By Mr. Lewis Bowen:

H. R. 254. Resolved by the House that the Senate be and is hereby requested to return to the House House Bill No. 958 for amendment.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Holcombe:

H. R. 255. Resolved by the House that House Bill No. 930 be recalled from the Senate for further action by the House. H. 930, To provide for the preservation, development and improvement of the State's oysters and oyster beds, etc.

And the rules were suspended and the resolution was adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills and Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 184. Relative to the Legislature of Alabama extending greetings to the President of Mexico; its Congress and the people, with best wishes for its peace, happiness and development of its industrial life.

S. J. R. 182. Relative to the distribution of the Acts by the Secretary of State to the members and officers of the Legislature.

S. J. R. 189. Relative to the Legislature of Alabama urging Henry Ford's modification of his offer for Muscle Shoals property, that this great natural resource may be utilized by the people of the United States.

S. 518. To require the judge of probate of Russell county, in addition to the office in the court house at Seale to keep open a branch office in the city of Girard, and to declare the effect of the business transactions in such branch office. And to fix his pay for making the indexes mentioned in Section 3 and the abstract mentioned in Section 4, of this Act.

S. 430. To authorize the courts of county commissioners, boards of revenue or other courts of like jurisdiction in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or

any such census which may hereafter be taken, to establish two or more places of voting in the same election precincts when it is deemed necessary for the convenience of the voters therein; and to separate the list of qualified voters in groups in alphabetical order so that no group shall contain more than three hundred qualified voters; and to designate the places at which the qualified voters in such precinct shall cast their ballot and to require the probate judge of said counties to furnish the election managers lists of qualified voters in groups as herein provided.

S. 432. To amend Section 1 of an Act entitled An Act to provide for the appointment of deputy registers and deputy clerks for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputies—approved October 1, 1920.

S. 295. To provide for the issuing of bonds by municipalities and to provide for the creation of a sinking fund to liquidate the bonds of municipalities and to provide for the investment of such sinking funds and to provide for the supervision of certain persons, firms, or corporations with whom such sinking funds are invested by the Superintendents of Banks of Alabama.

S. 466. To relieve the tax assessor of Marshall County, Alabama, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order the original assessment lists and have same permanently bound and kept as a permanent record and prepare tax collector's abstracts from said assessment lists. And relieve the county of paying for the making of such book.

S. 504. To provide that in the event the Constitution of Alabama should be amended to authorize Mobile county to increase its indebtedness, bond issue and tax rate for the purposes of constructing or improving of concrete or better than concrete surfaced public roads, and concrete or better than concrete public bridges in said county, and for the construction of bridges and roadway necessary to provide a public road for vehicular travel between the highlands of Mobile and Baldwin counties, in an amount not to exceed six and one-half per centum of the assessed value of the property situated in Mobile county, such indebtedness to be in addition to the amount now authorized by the Constitution, then Mobile county may issue bonds for the construction or improvement of concrete or better than concrete surfaced public roads, and concrete or better than concrete public bridges in said county, in an amount not to exceed six and one-half per centum of the assessed value of the property situated in Mobile county, such indebtedness to be in addition to the amount now authorized by the Constitution.

S. 243. To create a Bureau of Insurance for the State of Alabama, in lieu of the Department of Insurance; defining the duties and powers of such Bureau; providing for the necessary officers and employees for such bureau, and fixing their compensation; defining their duties and powers; and vesting such bureau and officers with all the authority now exercised by any other department and any other officers pertaining to the insurance business in this State, thereby relieving such other departments and officers of all duties and responsibilities relating or pertaining to the insurance business in the State of Alabama.

S. 425. To provide for the appointment of official court reporters by the judges of the criminal and civil divisions of the circuit court in judicial circuits which now have or may hereafter have more than five judges; to fix their compensation and define their duties.

S. 479. To further regulate the financing of public improvements by cities having a population of over 100,000, according to the last or any subsequent Federal census.

S. 449. To provide and submit to the qualified electors of the State of Alabama at an election to be held at the next general election at which this amendment is proposed, an amendment to the Constitution of the State of Alabama, whereby the following municipal corporations, Thorsby, Alabama City, Piedmont and Greenville and Roanoke and Greensboro and Calera, Florala and Opp, Evergreen and Fayette and Clayton and Clio, in the State of Alabama, may levy and collect a rate of taxation on the property situated therein not exceeding in the total in any one year one and one-half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporations shall not in any one year exceed one (1) per centum, unless the rate in excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipal corporations, respectively, at elections to be held by them from time to time for such purposes and to provide for such elections.

S. 417. To authorize and provide a fund to be known as the State Insurance Fund which is to be carried by the State Treasurer for the purpose of insuring against loss by fire or tornado all state owned buildings or buildings in which the state has appropriated monies for the erection or equipment thereof, or which may have been deeded to the state, and all property equipment, furniture and fixtures or supplies belonging to or stored in such buildings and any and all properties of such nature as may be acquired by the state, and to this end to establish a basis for assessment and collection of premiums, to provide for a sink-

ing fund with which to pay losses, to provide an emergency appropriation to be used only in case of loss by fire or tornado in excess of collection of premiums, to provide for a division of the state's property into groups, to provide for return of surplus for maintenance purposes, to provide for inspection and valuation of state property and promulgate rules and regulations necessary for the operation of the Act.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and Senate Joint Resolutions, the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE GOVERNOR.

Message to the House:

Gentlemen: I herewith return to you House Bill No. 510 without my approval.

The bill is one relating to inferior courts in certain counties, and some of its provisions might create a conflict with the provisions of other Acts relating to other inferior courts. I therefore suggest the following amendment:

Add to the bill Section 7½ to read as follows:

"Section 7½. Provided, that the jurisdiction of said court shall not vest or extend over any territory now within the jurisdiction of any other inferior court or court of misdemeanors which is located or situated within any other municipality or city other than such city or municipality where this court is located or situated."

With this amendment the bill will meet my approval.

Respectfully submitted,

Wm. W. Brandon,
Governor.

This 25th day of September, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Smith of Jefferson, the House concurred in and adopted the amendment proposed by the Governor to the bill, H. 510, said Governor's amendment being set out in the above and foregoing message from the Governor.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker
Adcock
Allen
Bealle

Bowen, Lewis
Bowen, L. K.
Boykin
Byars

Calloway
Cato
Christian
Cook

Culver
Elliott
Embry
Fite

Gaines	Hornsby	Moxley	Tiller
Glenn	Howard	Odom	Tunstall
Glover	Howze	Parker	Tyson
Goode	Jeter	Pickens	Verner
Graves	Jones	Powell	Walker
Grove	Lee	Ringer	Wall
Guy	Letson	Rountree	Walton
Hall	Long	St. John	Ware
Hatter	Love	Smith (Jefferson)	Mrs. Wilkins
Henley	Luck	Snodgrass	Williams
Henson	Moorer	Stewart (Calhoun)	Young

—60

Which was a majority of the whole number elected to the House.

And the bill,

H. 510. To amend "An Act to regulate inferior courts in cities having more than thirty-five thousand population, according to the last Federal census, or any subsequent Federal census, to prescribe the jurisdiction of such courts and provide for the number and compensation of the judges for said courts, and to provide for the appointment and compensation of the clerks, assistant clerks, bailiffs and other officers thereof, and to abolish the office of the Justice of the Peace in said cities." Said Act having been approved September 25, 1915.

As amended by the Governor, was again read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Jeter	St. John
Allen	Gaines	Jones	Smith (Jefferson)
Arrington	Glenn	Lee	Snodgrass
Bealle	Glover	Letson	Stewart (Calhoun)
Bowen, Lewis	Goode	Long	Tiller
Bowen, L. K.	Graves	Love	Tunstall
Boykin	Grove	Luck	Tyson
Burns	Guy	Moorer	Verner
Byars	Hall	Moxley	Walker
Cato	Hatter	Odom	Wall
Christian	Henley	Parker	Walton
Cook	Henson	Pickens	Ware
Culver	Hornsby	Posey	Mrs. Wilkins
Elliott	Howard	Ringer	Williams
Embry	Howze	Rountree	Young

—60

MESSAGE FROM THE GOVERNOR.

Message to the House:

Gentlemen: I herewith return to you House Bill No. 1027 without my approval. I do not see how the bill can be effective in its present form. I therefore suggest the following amendments:

Amend Section Two (2) of the bill by adding thereto the following subdivision eleven (11):

"(11) Such Domestic Relations Court shall have and exercise in such counties, all the jurisdiction, functions and powers now possessed and exercised by Juvenile Courts in such counties, under the terms of an Act 'Relating to dependent, neglected and delinquent children, etc.' approved February 19, 1919, (General Acts 1919, page 128 et seq.), and all provisions of said Act applying to Juvenile Courts shall likewise apply to said Domestic Relations Courts, except as is herein otherwise provided. And the judges of such Domestic Relations Courts shall have and exercise all the power and authority of the judges of such Juvenile Courts, as regulated in this Act. And such Domestic Relations Courts shall have and exercise in such counties all the jurisdiction and authority now possessed or exercised by Juvenile Courts in such counties under the terms of an Act 'To amend the caption and sections one, two, three, four, five, six, seven, eight, nine and ten, of 'An Act to protect women and children from desertion and non-support by husbands and parents, etc.,' approved February 18, 1919, (General Acts 1919, page 176 et seq.), and of any such law enacted in the Code of Alabama at this present session of the Legislature. And all provisions of said Act or law applying to Juvenile Courts shall likewise apply to said Domestic Relations Court, except as is herein otherwise provided. And the judges of such Domestic Relations Courts shall have and exercise all the power and authority of the judges of such Juvenile Courts under said act, or law, except as is herein otherwise provided."

Amend Section Four (4) of the bill by striking out of said bill the words and figures "And ten (10)" as they occur between the words "inclusive" and "of" in such Section Four (4) of said bill, and insert in lieu thereof the words "and eleven (11)."

Amend Section Nine (9) of the bill, so that such section shall read as follows:

Section 9. It shall be the duty of the Circuit Solicitor of such counties, who is hereby made an officer of said court, either himself or by his deputy, to represent the State in any or all criminal causes tried in said Domestic Relations Courts, when requested so to do by the judge of said court before whom such criminal cause is to be heard. In any such cause in which the said solicitor, or his deputy, so appears, if the judge hearing such cause shall order the costs taxed and collected in accordance with the provisions of this Act, there shall be taxed and collected, in addition to the other costs, a solicitor's fee of twenty-five dollars, which when collected shall be paid into the County Treasury of said county. It shall be the duty of the clerks and registers of said court to report and pay to the County Treasurer, on or before the fifth day of each month, all such fees so taxed and collected during the preceding month. There is hereby created, for the purpose of aiding in carrying out the provisions of this Act, an additional deputy solicitor in all such counties, who shall be appointed by the solicitor and who shall serve at the will of the solicitor. Such additional deputy solicitor shall receive a salary of three hundred dollars per month, payable monthly upon the warrant of the solicitor drawn upon the County Treasurer, whose duty it shall be to pay said warrant or warrants out of the general fund of such county.

With these amendments the bill will meet my approval.

Respectfully submitted,

Wm. W. Brandon,
Governor.

This 25th day of September, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. L. K. Bowen, the House concurred in and adopted the amendment proposed by the Governor to the bill, H. 1027, said Governor's amendment being set out in the above and foregoing message from the Governor.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Howard	Posey
Adcock	Fite	Howze	Powell
Allen	Gaines	Jeter	Ringer
Arrington	Glenn	Jones	Rountree
Bealle	Glover	Kilborn	St. John
Bowen, Lewis	Goode	Kilpatrick	Sessions
Bowen, L. K.	Goodwyn	Lee	Smith (Jefferson)
Boykin	Graves	Letson	Sollie
Burns	Grove	Love	Tiller
Burton	Guy	Luck	Tyson
Byars	Hall	Moorer	Varner
Cato	Hatter	Moxley	Walker
Cook	Henley	Odom	Wall
Culver	Henson	Patterson	Ware
Elliott	Hornsby	Poole	Young

—60

Which was a majority of the whole number elected to the House.

And the bill,

H. 1027. To provide for and establish in each and all counties of this State which now have a population of two hundred thousand people, or more, according to the last Federal census, or which shall hereafter have such population, or more, according to any such census hereafter taken, a court to be designated the Court of Domestic Relations, to provide that such courts shall be courts of record; to define the jurisdiction, power and authority of such courts, to provide the means necessary, proper or convenient for the exercise thereof, and to regulate same, to provide for a senior judge and an associate judge, or such courts, and for such other officers and employees, as are necessary or convenient for the exercise of its jurisdiction, and for their compensation; to provide for and regulate the procedure in such courts, to authorize the senior judge of said courts to determine the form of records; to provide for appeals from said courts, and to regulate same; to fix and regulate the taxing of costs in such courts; to provide for the transfer to the jurisdiction of such courts certain causes pending in the Circuit Court and other courts in such counties and all causes pending in Juvenile Courts in such counties, and all wards and probationers of said Juvenile Courts in such coun-

ties, to provide that if any section, paragraph or other part of this Act shall be declared unconstitutional, that such decision shall not affect the remainder thereof, to repeal all laws and parts of laws inconsistent or in conflict with this Act, and to designate when this Act shall take effect; and to abolish all Juvenile Courts in all such counties.

As amended by the amendment proposed by the Governor, was again read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Henley	Luck	St. John
Adcock	Henson	McDaniel	Sanders (Pike)
Allen	Hodgson	McGowen	Sessions
Bowen, Lewis	Holcombe	Melton	Smith (Jefferson)
Bowen, L. K.	Hornsby	Mooneyham	Tiller
Cato	Howard	Moorer	Tyson
Cook	Howze	Moxley	Varner
Culver	Jeter	Norman	Verner
Fanning	Jones	Odom	Walker
Ferrell	Kilborn	Pickens	Wall
Fite	Kilpatrick	Poole	Walton
Goodwyn	Lee	Posey	Ware
Guy	Letson	Powell	Mrs. Wilkins
Hall	Long	Ringer	Williams
Hatter	Love	Rountree	Young

—60

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and, as amended, has passed the following House bills:

H. 999. To provide for the retirement of teachers on pay in cities of 100,000 or more, according to the Federal census of 1920 or a subsequent Federal census.

H. 819. To provide for the payment of funds out of the county treasury and to prohibit the drawing of warrants by any officer except the president of the board of revenue of Barbour county and to prohibit the payment of warrants drawn against the funds of said county, except when such warrants are drawn by the president of the board of revenue of Barbour county, Alabama, attested by the clerk of the board, and to give authority to the board of revenue of Barbour county, Alabama, to fix the compensation of the clerk of the board of revenue, provide for the payment thereof; and to repeal all laws in conflict with this Act.

H. 943. To regulate the office of clerks and deputy clerks holding office and performing the duties of Circuit Court clerks at places other than the county site of the Circuit Court and

Registers of the Circuit Court in all counties of the State having a population of two hundred thousand or more, according to the last or any subsequent Federal census, and to provide for the method of paying the compensation of such clerks, registers and their employees, assistants, or other help.

H. 818. To regulate fine and forfeiture fund of Barbour County, Alabama, to require the register of claims against said fund, and same to be presented to the clerk of the Board of Revenue and paymnet of claims once each year against said fund and to regulate registration of such claims and to transfer any surplus to the credit of said funds to the general or road fund of said county as may be directed by the Board of Revenue. To require all persons or officers of the county whose duty it shall be to collect revenues and money belonging to Barbour County to forward to the Clerk of the Board of Revenue a statement of all monies collected and to what fund deposited and showing the amount of money so deposited in the depository of the county and from what source the same was collected.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Fite, the House concurred in and adopted the Senate amendment to the bill H. 999, said Senate amendment being as follows:

Amend H. 999 as follows: By adding after the words "Be it enacted" where said words accur together in said bill the words "By the Legislature of Alabama."

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Guy	Poole
Adcock	Dowdle	Hall	Posey
Allen	Dunwoody	Hatter	Powell
Arrington	Elliott	Howard	Ringer
Ashcraft (Fayette)	Embry	Howze	Rountree
Ashcraft (Lauderdl.)	Fanning	Lee	St. John
Bealle	Ferrell	Long	Sanders (Conecuh)
Bowen, L. K.	Fite	Love	Sanders (Pike)
Boykin	Forman	Luck	Sessions
Byars	Gaines	McGowen	Smith (Clay)
Calloway	Glenn	Moorer	Smith (Jefferson)
Cato	Glover	Moxley	Sollie
Christian	Goode	Odom	Wall
Cook	Goodwyn	Parker	Ware
Culver	Grove	Patterson	Young

—60

On motion of Mr. Cato the House concurred in and adopted the Senate amendment to the bill H. 819, said Senate amendment being as follows:

Amend House Bill No. 819 by striking out Section Two thereof and inserting in lieu thereof a section to be known as Section Two and to read as follows:

"Section Two. The Board of Revenue of Barbour County shall elect a clerk of said board who shall maintain his headquarters for the transaction of county business at the county seat of said county, shall fix his term of office and fix his salary at not more than six hundred dollars per annum; and it shall be a misdemeanor for said board to pay said clerk any compensation of any kind for any service of any nature or for the clerk of said board to receive or accept any compensation for any service of any kind or nature or in any capacity from said County Board of Revenue other than as provided in this section."

By adding at the end thereof as it now reads the following clause: "Provided, however, that nothing herein contained shall apply to the present method of the paying of jurors and court officials as is now provided by law."

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glover	Long	St. John
Adcock	Goode	Love	Sessions
Allen	Goodwyn	Luck	Snodgrass
Boykin	Graves	Mooneyham	Sollie
Burns	Grove	Moorer	Tiller
Burton	Guy	Moxley	Tunstall
Byars	Hall	Norman	Tyson
Cato	Hatter	Odom	Varner
Cook	Howze	Parker	Verner
Culver	Jeter	Pickens	Wall
Embry	Jones	Poole	Walton
Fanning	Kilborn	Posey	Ware
Fite	Kilpatrick	Powell	Mrs. Wilkins
Gaines	Lee	Ringer	Williams
Glenn	Letson	Rountree	Young

—60

On motion of Mr. Lewis Bowen the House concurred in and adopted the Senate amendment to the bill H. 943, said Senate amendment being as follows:

A BILL.

To be entitled an Act to regulate the office of the clerks and deputy clerks of the Circuit Court and registers of the Circuit Court in all counties of the State of Alabama having a population of two hundred thousand or more according to the last or any subsequent Federal census, and deputy clerks holding office and performing the duties of Circuit Court clerks at places other than the county site in such counties, their employees and assist-

ants, and to provide for the method of paying the compensation of such clerks, deputy clerks and registers and their employees, assistants or other help.

Be it enacted by the Legislature of Alabama:

Section 1. That in all counties of the State of Alabama having a population of two hundred thousand or more according to the last or any subsequent Federal census, the salaries of the clerks and deputy clerks of the Circuit Court and registers of the Circuit Court and the employees, assistants or other help of such clerks, deputy clerks, and registers, and deputy clerks holding office and performing the duties of Circuit Court clerks at places other than the county site in such counties and their employees and assistants shall be paid out of the general fund of such counties.

Section 2. That all laws or parts of laws in conflict herewith be and hereby are expressly repealed.

Section 3. This Act shall go into effect immediately after its passage.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glenn	Letson	Powell
Bealle	Glover	Long	Ringer
Blackwell	Goode	Love	Rountree
Bowen, Lewis	Grove	Luck	St. John
Boykin	Guy	McGowen	Smith (Jefferson)
Burton	Hall	Melton	Snodgrass
Cato	Hatter	Moorer	Sollie
Christian	Hornsby	Moxley	Tiller
Elliott	Howard	Norman	Tyson
Embry	Howze	Odom	Varner
Fanning	Jeter	Parker	Verner
Ferrell	Jones	Patterson	Walker
Fite	Kilborn	Pickens	Wall
Forman	Kilpatrick	Poole	Ware
Gaines	Lee	Posey	Young

—60

On motion of Mr. Mooneyham the House concurred in and adopted the Senate amendment to the bill, H. 818, said Senate amendment being as follows:

Amend House Bill No. 818 by adding thereto the following section:

Section 21½. Provided however that the Board of Revenue shall pay the script of county officers at par out of any money in the fine and forfeiture fund and shall make quarterly settlements with said county officers on the first day of January, April, July and October of each year; and it shall be the duty of the clerk of the board and the president of the board promptly on

such days to draw their warrant on the county depository to be paid out of moneys to the credit of the fine and forfeiture funds in payment of such claims as may be presented to said clerk by county officers against said county fine and forfeiture fund promptly on said above named dates without a formal presentation and allowance before said Board of Revenue.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Forman	Howze	Sessions
Adcock	Gaines	Jones	Smith (Clay)
Allen	Glenn	Kilpatrick	Smith (Jefferson)
Burns	Glover	Lee	Smith (Lee)
Burton	Goode	Letson	Snodgrass
Cato	Goodwyn	McDaniel	Tiller
Christian	Graves	Mooneyham	Tyson
Cook	Grove	Moorer	Varner
Culver	Guy	Moxley	Verner
Deloney	Hall	Norman	Walker
Dickinson	Hatter	Odom	Wall
Dowdle	Henley	Parker	Walton
Dunwoody	Henson	Rountree	Ware
Elliott	Hornsby	Sanders (Conecuh)	Williams
Embry	Howard	Sanders (Pike)	Young

—60

BILLS ON THIRD READING.

S. 383. To authorize and empower the probate court to sell the lands of a testator for the payment of legacies, when legacies are made a charge on such lands and no power is conferred upon the personal representative to sell the same, and to regulate the practice in such cases.

Was read a third time at length and passed.

Yeas, 69; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Howard	Posey
Adcock	Fanning	Howze	Ringer
Allen	Fite	Jeter	Rountree
Ashcraft (Fayette)	Forman	Jones	St. John
Ashcraft (Lauderd ⁿ)	Gaines	Kilborn	Sanders (Pike)
Bealle	Glenn	Kilpatrick	Sessions
Bowen, Lewis	Glover	Letson	Smith (Lee)
Bowen, L. K.	Goode	Luck	Snodgrass
Boykin	Goodwyn	McDaniel	Sollic
Burns	Graves	McGowen	Stewart (Calhoun)
Burton	Grove	Moorer	Tiller
Byars	Hatter	Moxley	Tunstall
Calloway	Henley	Norman	Verner
Christian	Henson	Odom	Walker
Culver	Hodgson	Parker	Wall
Dickinson	Holcombe	Patterson	Ware
Dowdle	Hornsby	Poole	Young
Elliott			

—69

S. 311. To regulate the practice in equity cases in the matter of objection to and consideration of testimony.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Henson	Odom
Adcock	Dowdle	Hodgson	Parker
Allen	Dunwoody	Hornsby	Patterson
Arrington	Embry	Howard	Pickens
Ashcraft (Fayette)	Fanning	Howze	Poole
Ashcraft (Lauder'd'e)	Ferrell	Jeter	Posey
Bealle	Forman	Jones	Ringer
Blackwell	Gaines	Kilborn	St. John
Bowen, Lewis	Glenn	Kilpatrick	Sessions
Bowen, L. K.	Glover	Letson	Snodgrass
Boykin	Goode	Luck	Sollie
Burns	Goodwyn	McDaniel	Tiller
Burton	Graves	McGowen	Tunstall
Byars	Grove	Melton	Verner
Calloway	Hatter	Moxley	Ware
Christian	Henley	Norman	Young
Culver			

—65

S. 388. To regulate corporations engaged in the business of issuing guaranties of title to land.

Was read a third time at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Henson	Moxley
Adcock	Dickinson	Hodgson	Norman
Allen	Dowdle	Holcombe	Odom
Ashcraft (Fayette)	Embry	Howard	Parker
Ashcraft (Lauder'd'e)	Fanning	Howze	Patterson
Bealle	Ferrell	Jeter	Poole
Blackwell	Fite	Jones	Posey
Bowen, Lewis	Forman	Kilborn	Ringer
Bowen, L. K.	Gaines	Kilpatrick	Sessions
Boykin	Goode	Lee	Snodgrass
Burns	Goodwyn	Luck	Stewart (Calhoun)
Burton	Graves	McDaniel	Thompson (Jackson)
Byars	Grove	McGowen	Verner
Calloway	Guy	Melton	Walker
Christian	Hatter	Mooneyham	Ware
Cook	Henley	Moorer	Young

—64

S. 304. To amend Section 146 of the Code of Alabama of 1907 relating to auditing and registry of claims; how paid.

Was read a third time at length and passed.

Yeas, 75; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Hodgson	Patterson
Adcock	Dunwoody	Holcombe	Poole
Allen	Elliott	Howard	Posey
Arrington	Embry	Howze	Rountree
Ashcraft (Fayette)	Fanning	Jeter	St. John
Ashcraft (Lauder ^d e)	Ferrell	Jones	Sanders (Pike)
Bealle	Fite	Kilborn	Sessions
Bowen, Lewis	Forman	Kilpatrick	Snodgrass
Bowen, L. K.	Gaines	Letson	Sollie
Boykin	Glenn	Love	Stewart (Calhoun)
Burns	Glover	Luck	Thompson (Jackson)
Burton	Goode	McGowen	Tiller
Byars	Goodwyn	Melton	Verner
Calloway	Graves	Mooneyham	Walker
Cato	Grove	Moorer	Wall
Christian	Guy	Moxley	Ware
Cook	Hatter	Norman	Williams
Culver	Henley	Odom	Young
Dickinson	Henson		

—75

Nays: Mr. Ringer—1.

S. 305. To amend an Act entitled "An Act to amend Section 153 of the Code of Alabama" approved September 30th, 1919.

Was read a third time at length and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Hatter	Mooneyham
Adcock	Dickinson	Henley	Moorer
Allen	Dunwoody	Henson	Norman
Arrington	Elliott	Holcombe	Odom
Ashcraft (Fayette)	Embry	Hornsby	Parker
Ashcraft (Lauderdl.)	Fanning	Howard	Patterson
Bealle	Ferrell	Howze	Poole
Blackwell	Fite	Jeter	Rountree
Bowen, Lewis	Forman	Jones	Sollie
Bowen, L. K.	Gaines	Kilborn	Thompson (Jackson)
Boykin	Glenn	Kilpatrick	Tiller
Burns	Glover	Letson	Verner
Burton	Goode	Luck	Wall
Byars	Goodwyn	McDaniel	Williams
Calloway	Grove	McGowen	Young
Cato	Guy	Melton	

—63

S. 306. To amend Section 147 of the Code of Alabama of 1907 relating to itemizing, proving, entering and filing claims.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Henson	Moxley
Adcock	Dowdle	Hodgson	Norman
Allen	Dunwoody	Holcombe	Odom
Arrington	Elliott	Hornsby	Parker
Ashcraft (Fayette)	Embry	Howard	Patterson
Ashcraft (Lauderd'l)	Fanning	Howze	Poole
Bealle	Ferrell	Jeter	Posey
Bowen, Lewis	Fite	Kilborn	Ringer
Bowen, L. K.	Forman	Lee	Rountree
Boykin	Gaines	Letson	Stewart (Calhoun)
Burns	Glover	Luck	Tiller
Burton	Goode	McDaniel	Verner
Byars	Goodwyn	McGowen	Walker
Calloway	Graves	Melton	Wall
Cato	Grove	Mooneyham	Mrs. Wilkins
Christian	Hatter	Moorer	Young
Culver	Henley		

—66

S. 241. To amend section 11, of an Act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such elections vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds."

Was read a third time at length and passed.

Yeas, 65; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Hornsby	Poole
Adcock	Elliott	Howard	Posey
Allen	Fanning	Howze	Rountree
Arrington	Ferrell	Jeter	Smith (Jefferson)
Ashcraft (Fayette)	Fite	Jones	Smith (Lee)
Ashcraft (Lauderd'l)	Forman	Letson	Stewart (Bibb)
Bealle	Glover	Love	Stewart (Calhoun)
Bowen, Lewis	Goode	Luck	Tiller
Bowen, L. K.	Goodwyn	McGowen	Tunstall
Boykin	Graves	Melton	Verner
Burns	Grove	Mooneyham	Walker
Calloway	Hatter	Moorer	Wall
Cato	Henley	Norman	Ware
Christian	Henson	Odom	Mrs. Wilkins
Culver	Hodgson	Parker	Williams
Dickinson	Holcombe	Patterson	Young
Dowdle			

—65

Nays: Mr. Burton—1.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

By Mr. Fite:

H. 1027. To provide for and establish in each and all counties of this State which now have a population of two hundred thousand people, or more, according to the last Federal census, or which shall hereafter have such population, or more, according to any such census hereafter taken, a court to be designated the court of Domestic Relations; to provide that such courts shall be courts of record; to define the jurisdiction, power and authority of such courts; to provide the means necessary, proper or convenient for the exercise thereof, and to regulate same; to provide for a senior judge, and an associate judge, of such courts, and for such other officers and employees, as are necessary or convenient for the exercise of its jurisdiction, and for their compensation; to provide for and regulate the procedure in such courts; to authorize the senior judge of said courts to determine the form of records; to provide for appeals from said courts, and to regulate same; to fix and regulate the taxing of costs in such courts; to provide for the transfer to the jurisdiction of such courts certain causes pending in the Circuit Court and other courts in such counties and all causes pending in Juvenile Courts in such counties, and all wards and probationers of such Juvenile Courts in such counties; to provide that if any section, paragraph or other part of this Act shall be declared unconstitutional, that such decision shall not affect the remainder thereof; to repeal all laws and parts of laws inconsistent, or in conflict with this Act, and to designate when this Act shall take effect; and to abolish all juvenile courts in such counties.

By a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 26; nays, 0.

And said bill as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 24; nays, 0.

And said bill with the Governor's message is herewith returned to the House.

J. E. Speight,
Secretary.

BILLS ON THIRD READING.

S. 242. To validate certain bonds heretofore or hereafter issued by municipal corporations in Alabama. Whereas section 11 of an Act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in

the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds" contains the following limitation, to-wit: "but no bond bearing six per cent interest shall run for a longer period than ten years." Now therefore.

Was read a third time at length and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Hodgson	Odom
Adcock	Dunwoody	Holcombe	Parker
Allen	Elliott	Howard	Patterson
Arrington	Embry	Howze	Pickens
Ashcraft (Fayette)	Fanning	Jeter	Poole
Ashcraft (Lauderdl.)	Ferrell	Jones	Posey
Bealle	Fite	Kilborn	Rountree
Blackwell	Forman	Letson	Smith (Clay)
Bowen, Lewis	Gaines	Love	Stewart (Calhoun)
Bowen, L. K.	Glover	Luck	Tiller
Boykin	Goode	McDaniel	Tunstall
Burns	Goodwyn	McGowen	Wall
Burton	Graves	Melton	Ware
Byars	Grove	Mooneyham	Mrs. Wilkins
Cato	Hatter	Moorer	Young
Cook	Henley	Norman	

—63

S. 373. To amend Section 6866 of the Code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Holcombe	Poole
Adcock	Elliott	Howard	Ringer
Allen	Embry	Howze	Rountree
Arrington	Fanning	Jeter	Smith (Jefferson)
Ashcraft (Fayette)	Ferrell	Jones	Snodgrass
Ashcraft (Lauderdl.)	Forman	Lee	Stewart (Calhoun)
Bealle	Gaines	Letson	Tiller
Blackwell	Glover	Luck	Tunstall
Boykin	Goode	McDaniel	Verner
Burton	Goodwyn	McGowen	Walker
Byars	Graves	Melton	Wall
Calloway	Grove	Moorer	Ware
Christian	Hatter	Moxley	Mrs. Wilkins
Culver	Henley	Norman	Williams
Dickinson	Henson	Odom	Young
Dowdle	Hodgson	Patterson	

—63

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 510. To amend "An Act to regulate inferior courts in cities having more than thirty-five thousand population according to the last Federal census, or any subsequent Federal census, to prescribe the jurisdiction of such courts and provide for the number and compensation of the judges for said courts, and to provide for the appointment and compensation of the clerks, assistant clerks, bailiffs and other officers thereof, and to abolish the office of the justice of the peace in said cities." Said Act having been approved September 25, 1915.

By a vote of a majority of the whole number elected to the Senate; said vote being: Yeas 23, nays 0.

And said bill as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote on the passage of said bill as amended being: Yeas 25, nays 0.

And said bill with the Governor's message is herewith returned to the House.

J. E. Speight,
Secretary.

BILLS ON THIRD READING.

S. 433. To change the name of the "State Board of Convict Supervisors" to the "State Board of Administration."

Was read a third time at length and passed.

Yeas, 72; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Hodgson	Patterson
Adcock	Dowdle	Holcombe	Poole
Allen	Elliott	Hornsby	Posey
Arrington	Embry	Howard	Ringer
Ashcraft (Fayette)	Fanning	Howze	St. John
Ashcraft (Lauderdal)	Ferrell	Jeter	Sessions
Bealle	Fite	Jones	Snodgrass
Blackwell	Forman	Kilborn	Sollie
Bowen, Lewis	Gaines	Lee	Tiller
Bowen, L. K.	Glenn	Letson	Tunstall
Boykin	Glover	Long	Verner
Burns	Goode	Luck	Walker
Burton	Goodwyn	Melton	Wall
Byars	Graves	Moorer	Walton
Calloway	Grove	Moxley	Ware
Cato	Guy	Norman	Mrs. Wilkins
Christian	Hatter	Odom	Williams
Culver	Henley	Parker	Young

S. 428. To provide for the introduction in evidence of a sheriff's deed without independent proof of facts or proceeding recited in such deed.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Elliott	Howze	Pickens
Adcock	Embry	Jones	Poole
Allen	Fanning	Kilpatrick	Posey
Arrington	Farrell	Lee	Ringer
Ashcraft (Fayette)	Fite	Letson	Rountree
Ashcraft (Lauderd ¹)	Gaines	Luck	St. John
Bealle	Glover	McDaniel	Sessions
Blackwell	Goode	McGowen	Sollie
Bowen, Lewis	Goodwyn	Melton	Thompson (Jackson)
Bowen, L. K.	Graves	Mooneyham	Tiller
Boykin	Grove	Moorer	Verner
Burns	Hatter	Moxley	Walker
Calloway	Henley	Norman	Wall
Cato	Henson	Odum	Ware
Culver	Holcombe	Parker	Williams
Dickinson	Hornsby	Patterson	Young
Dunwoody	Howard		

—66

S. 220. To amend Section 2047 of the Code of Alabama as last amended.

Was read a third time at length and passed.

Yeas, 61; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glover	Letson	St. John
Adcock	Goode	Long	Smith (Lee)
Allen	Goodwyn	Love	Snodgrass
Arrington	Graves	Luck	Sollie
Ashcraft (Fayette)	Grove	McDaniel	Stewart (Bibb)
Ashcraft (Lauderd ¹)	Hatter	McGowen	Stewart (Calhoun)
Bealle	Henley	Mooneyham	Tiller
Bowen, Lewis	Holcombe	Moxley	Tunstall
Boykin	Howard	Norman	Verner
Burns	Howze	Parker	Walker
Burton	Jeter	Patterson	Wall
Byars	Jones	Pickens	Walton
Christian	Kilborn	Posey	Ware
Fanning	Kilpatrick	Ringer	Mrs. Wilkins
Forman	Lee	Rountree	Young
Glenn			

—61

S. 427. To prohibit members of the Court of County Commissioners or Boards of Revenue in the State of Alabama from awarding contracts in which the county of which such county commissioner or member of a Board of Revenue resides to any

person related to them, by blood or marriage within the fourth degree, or to employ any such relatives to do any work for said county.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Judiciary, said amendment being as follows:

Amend title to S. B. 427 by adding after the word "County" where said word last appears in last line of the title to said title the following: "and to provide punishment for the violation thereof."

And the amendment was adopted.

Yeas, 69; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Hodgson	Odom
Adcock	Elliott	Holcombe	Parker
Allen	Embry	Hornsby	Patterson
Arrington	Fanning	Howard	Pickens
Ashcraft (Fayette)	Ferrell	Howze	Poole
Ashcraft (Lauderdl)	Fite	Jeter	Ringer
Bealle	Forman	Jones	Sessions
Blackwell	Gaines	Kilborn	Snodgrass
Bowen, Lewis	Glenn	Lee	Sollie
Bowen, L. K.	Glover	Letson	Stewart (Calhoun)
Boykin	Goode	Long	Tiller
Burns	Goodwyn	Love	Tunstall
Burton	Graves	Luck	Verner
Byars	Grove	McDaniel	Walker
Calloway	Hatter	Melton	Wall
Cato	Henley	Moorer	Ware
Christian	Henson	Moxley	Williams
Culver			

—69

And the bill,

S. 427. To prohibit members of the Court of County Commissioners or Boards of Revenue in the State of Alabama from awarding contracts in which the county of which such county commissioner or member of a Board of Revenue resides to any person related to them, by blood or marriage within the fourth degree, or to employ any such relatives to do any work for said county.

As amended, was read a third time at length and passed.

Yeas, 37; nays, 17.

Yeas:

Messrs:

Mr. Speaker	Bealle	Christian	Forman
Adcock	Blackwell	Culver	Goode
Allen	Bowen, Lewis	Dunwoody	Goodwyn
Ashcraft (Fayette)	Bowen, L. K.	Embry	Grove
Ashcraft (Lauderdl)	Cato	Fanning	Henson

Howze	McDaniel	Smith (Lee)	Tunstall
Jeter	McGowen	Sollie	Varner
Kilpatrick	Patterson	Stewart (Calhoun)	Verner
Lee	Powell	Tiller	Williams
Letson			

—37

*Nays:**Messrs:*

Boykin	Hodgson	Moxley	Stewart (Bibb)
Burton	Howard	Ringer	Walker
Guy	Love	Sessions	Wall
Hall	Moorer	Snodgrass	Ware
Hatter			

—17

S. 186. To regulate the establishment and licensing and operation of ferries on a river which is in whole or in part the dividing line between two counties of this State, at points touching incorporated municipalities.

Was read a third time at length and passed.

Yeas, 63; nays, 0.

*Yeas:**Messrs:*

Mr. Speaker	Dickinson	Howard	Posey
Adcock	Dunwoody	Howze	Powell
Allen	Embry	Jeter	Ringer
Arrington	Fanning	Jones	Rountree
Ashcraft (Fayette)	Ferrell	Lee	Sessions
Ashcraft (Lauderdale)	Forman	Letson	Smith (Lee)
Bowen, Lewis	Gaines	Love	Sollie
Bowen, L. K.	Glenn	Luck	Stewart (Calhoun)
Boykin	Goode	McGowen	Tiller
Burns	Goodwyn	Moorer	Tunstall
Burton	Graves	Moxley	Varner
Byars	Grove	Norman	Verner
Calloway	Hatter	Parker	Walker
Cato	Henley	Patterson	Ware
Christian	Henson	Pickens	Young
Culver	Hodgson	Poole	

—63

S. 490 (with amendment). To amend an Act entitled an Act to provide for the payment of claims against the fine and forfeiture fund of Tuscaloosa county, approved February 23, 1899, so that the same will read as follows:

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Local Legislation, said amendment being as follows:

By adding the following to end of Section 1:

"Provided there shall not be paid any more than \$1500.00 per annum on such costs and provided further that this bill shall not be retroactive."

And the amendment was adopted.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Gaines	Jones	Ringer
Adcock	Glenn	Kilborn	Rountree
Allen	Glover	Lee	St. John
Boykin	Goode	Letson	Sessions
Burns	Graves	Long	Snodgrass
Burton	Grove	Love	Tiller
Byars	Guy	Luck	Tunstall
Calloway	Hall	Melton	Tyson
Cato	Hatter	Moorer	Varnier
Christian	Henley	Moxley	Verner
Cook	Henson	Norman	Walker
Culver	Hodgson	Odom	Wall
Ferrell	Holcombe	Parker	Walton
Fite	Howze	Poole	Ware
Forman	Jeter	Powell	Young

—60

And the bill,

S. 490. To amend an Act entitled an Act to provide for the payment of claims against the fine and forfeiture fund of Tuscaloosa county, approved February 23, 1899, so that the same will read as follows:

As amended, was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Gaines	Letson	Ringer
Adams	Glenn	Long	Rountree
Allen	Glover	Love	St. John
Bealle	Goode	Luck	Sessions
Boykin	Goodwyn	McDaniel	Snodgrass
Burns	Graves	McGowen	Sollie
Burton	Grove	Melton	Tiller
Byars	Guy	Mooneyham	Tyson
Cato	Hall	Moorer	Varnier
Cook	Hatter	Moxley	Verner
Culver	Howze	Norman	Walker
Embry	Jones	Odom	Walton
Fanning	Kilborn	Parker	Mrs. Wilkins
Ferrell	Kilpatrick	Poole	Williams
Fite	Lee	Posey	Young

—60

S. 131. To amend Section 3531 of the Code of Alabama of 1907 as amended by an Act of the Legislature approved October 5, 1920.

Was read a third time at length and passed.

Yeas, 55; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Allen	Ashcraft (Fayette)	Bealle
Adcock	Arrington	Ashcraft (Lauderdal)	Bowen, L. K.

Boykin	Goode	Love	Posey
Burns	Goodwyn	Luck	Powell
Burton	Grove	McGowen	Ringer
Cato	Hall	Melton	Rountree
Embry	Hatter	Mooneyham	Sollie
Fanning	Hodgson	Moorer	Stewart (Bibb)
Ferrell	Holcombe	Moxley	Stewart (Calhoun)
Fite	Hornsby	Norman	Thompson (Jackson)
Forman	Howze	Parker	Tiller
Gaines	Jeter	Patterson	Varner
Glenn	Jones	Pickens	Walker
Glover	Letson	Poole	

—55

S. 149 (with amendment). To amend an Act entitled "An Act to promote the sale of farm loan bonds issued by the Federal Land Banks organized under the provisions of the Farm Loan Act" approved September 17, 1919.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Ways, Means and Appropriations, said committee amendment being as follows:

Amend Section 1 of said bill by striking out the words "Federal Loan Banks" when they appear in said section and inserting in lieu thereof "Federal Land Banks."

Mr. Goodwyn offered the following substitute for the bill and amendment:

Substitute for Senate Bill No. 149:

A BILL.

To be entitled an Act to amend an Act entitled "An Act to promote the sale of farm loan bonds issued by the Federal Land Banks organized under the provisions of the Farm Loan Act" approved September 17, 1919.

Be it enacted by the Legislature of the State of Alabama, that the Act entitled "An Act to promote the sale of farm loan bonds issued by the Federal Land Banks organized under the provisions of the Farm Loan Act" approved September 17, 1919, be and the same is hereby amended to read as follows:

Section 1:—That for the purpose of promoting and encouraging agricultural production by providing cheap money for the farmer by the sale of Farm Loan Bonds issued under the provisions of the Federal Farm Loan Act by the Federal Land Banks and also by those Joint Stock Land Banks having their principal place of business in Alabama created under said Federal Farm Loan Act; that said bonds so issued by said Federal Land Banks and also by those Joint Stock Land Banks having their principal place of business in Alabama, are hereby designated as security for all character of public funds, especially for securing deposits by designated depositaries for the funds of the

State of Alabama and of the various counties, municipalities and districts of Alabama.

Section 2:—That said bonds may be purchased by executors and administrators, trustees under wills or trust agreements, guardians of minors and of persons of unsound mind, when any such fiduciaries have funds for investment, and it shall not be necessary to secure a precedent order of the Probate or Circuit Court for so purchasing said bonds, and no liability whatsoever shall be incurred by such fiduciaries in purchasing said bonds without a precedent order of court.

Section 3:—That insurance companies organized under the laws of the State of Alabama, may purchase such bonds with their capital stock and also with the accumulations of such companies, including the reserve thereof to an amount not exceeding twenty-five per cent thereof.

Section 4:—That Savings Banks and Trust Companies may purchase such bonds out of their funds to an amount not exceeding twenty-five per cent of their capital stock and surplus.

And the substitute was adopted.

Yeas, 49; nays, 8.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Hornsby	Ringer
Adcock	Forman	Howard	Rountree
Allen	Glover	Howze	Sessions
Arrington	Goode	Jones	Smith (Clay)
Ashcraft (Fayette)	Goodwyn	Letson	Sollie
Ashcraft (Lauderdale)	Graves	Long	Stewart (Calhoun)
Bowen, L. K.	Grove	Luck	Tiller
Burns	Hall	McGowen	Tyson
Calloway	Hatter	Norman	Varner
Cato	Henley	Parker	Walker
Dunwoody	Hodgson	Patterson	Wall
Embry	Holcombe	Poole	Walton
Fanning			

—49

Nays:

Messrs:

Bealle	Burton	Gaines	Moxley
Blackwell	Christian	Henson	Verner

—8

And the bill,

S. 149. To amend an Act entitled "An Act to promote the sale of farm loan bonds issued by the Federal Land Banks organized under the provisions of the Farm Loan Act" approved September 17, 1919.

As amended by the substitute, was read a third time at length and passed.

Yeas, 49; nays, 14.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Jones	St. John
Adcock	Forman	Kilborn	Sessions
Arrington	Glover	Letson	Smith (Clay)
Ashcraft (Fayette)	Goodwyn	Long	Snodgrass
Ashcraft (Lauderd ¹)	Graves	Luck	Sollie
Bowen, L. K.	Grove	McGowen	Stewart (Calhoun)
Burns	Henley	Melton	Tiller
Calloway	Hodgson	Norman	Tunstall
Cato	Holcombe	Parker	Tyson
Culver	Howard	Patterson	Varner
Dunwoody	Howze	Pickens	Walker
Embry	Jeter	Rountree	Wall
Fanning			

—49

Nays:

Messrs:

Bealle	Lee	Ringer	Verner
Burton	Love	Sanders (Pike)	Walton
Christian	McDaniel	Stewart (Bibb)	Ware
Henson	Moxley		

—14

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 617. To protect land owners against the burdens of increased assessments or tax raises on lands being drained in Alabama.

H. 911. For the relief of Levi F. Clayton.

H. 1036. To authorize and provide for the payment of the sum of two thousand five hundred (\$2500.00) dollars for the relief of Odell Garrison, of Jefferson County, who was injured on the 31st day of December, 1920, while in line of duty with the National Guard of Alabama.

H. 1050. To provide for the election of the county board of education of Chambers County, Alabama; to divide the county into districts from which shall be elected a member of such board by the electors of such district.

H. 1055. To repeal an Act entitled "An Act to provide for the creation of the office of county auditor of Walker County, Alabama, to define the powers and duties thereof, to provide for his compensation, to fix his term of office and prescribe the manner of his appointment and election," approved February 28, 1907.

H. 1049. To repeal an Act entitled "An Act to incorporate the town of Pickens in Pickens County," and approved January 7, 1826.

H. 974. To provide for the working of all male inhabitants of Henry County, Alabama, between the ages of eighteen and forty-five years, on the public roads of said county; to provide for the levy and collection of a per capita road tax upon such persons in lieu of such road service; to be used for the maintenance, upkeep, building and repair of such public roads; to prescribe the manner and means of raising or collecting such tax; to provide for and regulate the working, building, maintenance and upkeep of the public roads of said county; and to provide and fix penalties for the violation of the provisions of this Act.

H. 961. To repeal an Act entitled an Act "To provide for the improvement of the public roads and bridges of Tallapoosa County, Alabama," approved February 28, 1911.

H. 893. To abolish the office of Justices of the Peace and Notary Public Ex-Officio Justices of the Peace in Precinct 1, Autauga County, Alabama.

H. 685. To prescribe the duties and fix the compensation of the deputy solicitor for Walker County, Alabama, and to repeal all laws and parts of laws in conflict with this Act.

H. 827. To amend subdivision (3) of Section 3481 of the Code of Alabama of 1907.

H. 860. To designate a certain public road of Alabama as a State trunk road and to provide for the location thereof and the manner in which said road shall be located, improved and maintained.

H. 518. To create and establish and locate a State secondary agricultural school in School District No. 4-A, Jefferson County, Alabama; to provide for the control thereof; to make appropriations for its support and maintenance; and to authorize the County Board of Revenue to make appropriations therefor.

H. 748. To amend Section 1 of Article 3 of an Act entitled "An Act to provide a complete educational system for the State of Alabama * * *," approved September 26, 1919.

H. 613. In reference to the Alabama School of Trades and Industry; to give the trustees of said school authority to change the location for said school; to provide for the refunding of certain monies heretofore subscribed for the use of said school; and to extend the terms of the trustees of such school and to provide for its future management and control.

H. 874. To legally confirm the local designation of Lake Bankhead, a part of the Warrior River.

H. 313. To regulate child-placing, and to provide for the licensing, visitation, supervision, inspection and regulation of agencies and institutions within the State of Alabama that are engaged in the business of receiving and caring for children or of placing them or boarding them in private homes.

H. 314. To define maternity hospitals and to provide for the licensing, regulation, and supervision of such hospitals.

H. 181. To make it unlawful for any person not a member of the American Legion, Veterans of Foreign Wars, United Confederate Veterans, Spanish War Veterans, or any similar organization, to wear any emblem or insignia of any of such organizations, and to provide a penalty therefor.

H. 373. Regulating the administration of guardianships and estates in the Chancery Courts or the courts of like jurisdiction in this State.

H. 288. To repeal an Act to prescribe a limitation for the bringing of suits for the recovery of personal property or the value thereof or damages for the conversion thereof where the title is founded on a mortgage or conditional sale.

J. E. Speight,
Secretary.

BILLS ON THIRD READING.

S. 113. To amend an Act entitled an Act "To provide for the establishment and maintenance of a home for mental inferiors in Alabama; to define who are mental inferiors; to provide for their care, treatment and training, and to appropriate the money necessary therefor from the State Treasury," approved September 29, 1919.

Was taken up. Mr. Verner offered the following amendment to the bill:

Amend the bill by adding Section 201½: That the steward of the Alabama Brice Insane Hospital shall be the steward of the Alabama Home with all the powers and duties in reference to the home as he has to the hospital.

And the amendment was adopted.

Yeas, 59; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Dunwoody
Arrington	Elliott
Ashcraft (Fayette)	Embry
Ashcraft (Lauderd'l)	Fanning
Bealle	Goodwyn
Blackwell	Graves
Bowen, Lewis	Grove
Bowen, L. K.	Guy
Boykin	Hatter
Burns	Henson
Burton	Hodgson
Byars	Holcombe
Calloway	Hornsby
Cato	Howard
Christian	Howze

Jeter	Smith (Clay)
Jones	Smith (Jefferson)
Kilborn	Smith (Lee)
Letson	Snodgrass
McGowen	Sollie
Melton	Stewart (Bibb)
Mooneyham	Stewart (Calhoun)
Moorer	Thompson (Etowah)
Norman	Thompson (Jackson)
Parker	Tiller
Patterson	Tunstall
Posey	Tyson
Ringer	Verner
Sanders (Pike)	Wall
Sessions	

Nays: Mr. Walton—1.

And the bill,

S. 113. To amend an Act entitled an Act "To provide for the establishment and maintenance of a home for mental inferiors in Alabama; to define who are mental inferiors; to provide for their care, treatment and training, and to appropriate the money necessary therefor from the State Treasury," approved September 29, 1919.

As amended, was read a third time at length and passed.

Yeas, 52; nays, 6.

Yeas:

Messrs:

Mr. Speaker	Fanning	Kilborn	Snodgrass
Allen	Ferrell	Kilpatrick	Sollie
Arrington	Forman	Lee	Stewart (Calhoun)
Ashcraft (Fayette)	Glover	Long	Thompson (Etowah)
Ashcraft (Lauderdl.)	Goode	Luck	Thompson (Jackson)
Bealle	Goodwyn	McDaniel	Tyson
Bowen, Lewis	Graves	McGowen	Verner
Bowen, L. K.	Hatter	Melton	Walker
Boykin	Hodgson	Moxley	Wall
Burton	Holcombe	Norman	Walton
Christian	Howze	Parker	Ware
Dunwoody	Jeter	Patterson	Williams
Embry	Jones	Pickens	Young

—52

Nays:

Messrs:

Calloway	Henson	Ringer	Sessions
Grove	Letson		

—6

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bill with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

By Mr. Fite:

H. 1027. To provide for and establish in each and all counties of this State which now have a population of 200,000 people or more, according to the last Federal census, or which shall hereafter have such population or more, according to any such census hereafter taken, a court to be designated the Court of Domestic Relations; to provide that such courts shall be courts of record, to define the jurisdiction, power and authority of such courts; to provide the means necessary, proper or convenient for the exercise thereof, and to regulate same; to provide for a senior judge and an associate judge of such courts and for such other officers and employees, as are necessary or convenient for

the exercise of its jurisdiction and for their compensation; to provide for and regulate the procedure in such courts; to authorize the senior judge of said courts to determine the form of records; to provide for appeals from said courts and to regulate same; to fix and regulate the taxing of costs in such courts; to provide for the transfer to the jurisdiction of such courts certain causes pending in the circuit court and other courts in such counties and all causes pending in juvenile courts in such counties, and all wards and probationers of such juvenile courts in such counties; to provide that if any section, paragraph or other part of this act shall be declared unconstitutional that such decision shall not affect the remainder thereof; to repeal all laws and parts of laws inconsistent or in conflict with this act, and to designate when this Act shall take effect; and to abolish all juvenile courts in such counties.

Jas. A. Smith,
Chairman.

SIGNING OF BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

BILLS ON THIRD READING.

S. 284. To amend Section 1217 of the Code of Alabama, of 1907, relating to appeals from recorders' courts.

Was read a third time at length and passed.

Yeas, 60; nays, 3.

Yeas:

Messrs:

Mr. Speaker

Adcock

Allen

Arrington

Ashcraft (Fayette)

Ashcraft (Lauderd'l)

Bealle

Blackwell

Bowen, Lewis

Bowen, L. K.

Boykin

Burns

Burton

Byars

Calloway

Embry

Fanning

Ferrell

Fite

Forman

Gaines

Goode

Goodwyn

Graves

Grove

Hatter

Henson

Hodgson

Howard

Howze

Jeter

Jones

Lee

Letson

Luck

McDaniel

Melton

Mooneyham

Moorer

Moxley

Norman

Odom

Parker

Patterson

Poole

Posey

Powell

Ringer

Sessions

Smith (Clay)

Snodgrass

Stewart (Bibb)

Stewart (Calhoun)

Thompson (Etowah)

Thompson (Jackson)

Tiller

Verner

Walker

Walton

Young

—60

Nays:

Messrs:

Dickinson

Ware

Williams

—3

S. 498. To amend Section 12 of An Act entitled "An Act to create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto," approved March 2, 1911.

Was read a third time at length and passed.

Yeas, 61; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Holcombe	Patterson
Adcock	Dunwoody	Howard	Pickens
Allen	Embry	Howze	Poole
Arrington	Fanning	Jeter	Posey
Ashcraft (Fayette)	Ferrell	Jones	Powell
Ashcraft (Lauderd'l)	Fite	Lee	Ringer
Bealle	Forman	Letson	Smith (Lee)
Bowen, Lewis	Glenn	Luck	Snodgrass
Bowen, L. K.	Goode	McDaniel	Sollie
Boykin	Goodwyn	McGowen	Stewart (Bibb)
Burton	Graves	Melton	Stewart (Calhoun)
Byars	Grove	Moxley	Thompson (Etowah)
Calloway	Hatter	Norman	Thompson (Jackson)
Cato	Henson	Odom	Verner
Christian	Hodgson	Parker	Wall
Culver			

—61

S. 499. To provide for and regulate further the banking department for the State of Alabama to the end of better regulating the examinations and supervision of banks and banking in this State.

Was read a third time at length and passed.

Yeas, 58; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Culver	Hornsby	Moorer
Adcock	Dunwoody	Howard	Moxley
Allen	Embry	Howze	Norman
Arrington	Fanning	Jeter	Odom
Ashcraft (Fayette)	Ferrell	Jones	Parker
Ashcraft (Lauderd'l)	Forman	Kilborn	Patterson
Bealle	Gaines	Lee	Pickens
Bowen, Lewis	Goode	Letson	Posey
Bowen, L. K.	Goodwyn	Long	Powell
Burns	Graves	Luck	Rountree
Burton	Hatter	McDaniel	Smith (Lee)
Byars	Henley	McGowen	Sollie
Calloway	Henson	Melton	Stewart (Calhoun)
Cato	Hodgson	Mooneyham	Wall
Christian	Holcombe		

—58

Nays: Mr. Sessions—1.

S. 312. To amend Section 1935 of the Code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Christian	Grove	Melton
Adcock	Culver	Hatter	Moorer
Allen	Dickinson	Henley	Norman
Arrington	Dunwoody	Henson	Odom
Ashcraft (Fayette)	Elliott	Hodgson	Parker
Ashcraft (Lauderdl.)	Embry	Holcombe	Poole
Bealle	Fanning	Hornsby	Posay
Blackwell	Ferrell	Howard	Powell
Bowen, Lewis	Fite	Howze	Ringer
Bowen, L. K.	Forman	Jeter	Sollie
Boykin	Gaines	Jones	Stewart (Calhoun)
Burns	Glenn	Lee	Tunstall
Burton	Glover	Letson	Verner
Byars	Goode	Love	Wall
Calloway	Goodwyn	Luck	Walton
Cato	Graves	McDaniel	Ware

—64

S. 313. To amend Section 1952 of the Code of Alabama of 1907 as amended by an Act of the Legislature of Alabama, approved September 30th, 1919.

Was read a third time at length and passed.

Yeas, 59; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Hornsby	Parker
Adcock	Dickinson	Howard	Patterson
Allen	Dunwoody	Howze	Pickens
Arrington	Elliott	Jeter	Poole
Ashcraft (Fayette)	Embry	Jones	Posay
Ashcraft (Lauderdl.)	Fanning	Kilborn	Powell
Blackwell	Glover	Luck	Ringer
Bowen, Lewis	Goode	McDaniel	Rountree
Bowen, L. K.	Goodwyn	McGowen	Sessions
Boykin	Graves	Melton	Sollie
Burns	Grove	Mooneyham	Stewart (Calhoun)
Burton	Hatter	Moorer	Tiller
Byars	Henley	Moxley	Tunstall
Calloway	Hodgson	Norman	Verner
Cato	Holcombe	Odom	Young

—59

S. 314. To amend Section 1942 of the Code of Alabama of 1907, as amended by Acts of the Legislature of Alabama, approved March 13th, 1911 and September 30th, 1919.

Was read a third time at length and passed.

Yeas, 56; nays, 0.

Yeas:**Messrs:**

Mr. Speaker	Fanning	Jones	Ringer
Arrington	Ferrell	Lee	Rountree
Ashcraft (Fayette)	Gaines	Letson	Smith (Clay)
Ashcraft (Lauderd ^e)	Goode	Luck	Smith (Jefferson)
Bealle	Goodwyn	McDaniel	Smith (Lee)
Boykin	Graves	McGowen	Sollie
Burns	Grove	Mooneyham	Stewart (Calhoun)
Burton	Hatter	Moxley	Thompson (Etowah)
Calloway	Henley	Norman	Thompson (Jackson)
Christian	Hodgson	Parker	Tunstall
Culver	Holcombe	Patterson	Verner
Dickinson	Howard	Pickens	Walker
Dunwoody	Howze	Posey	Mrs. Wilkins
Embry	Jeter	Powell	Young

—56

S. 315. To amend Section 1941 of the Code of Alabama of 1907, as amended by an Act of the Legislature of Alabama, approved September 30th, 1919.

Was read a third time at length and passed.

Yeas, 54; nays, 2.

Yeas:**Messrs:**

Mr. Speaker	Embry	Jones	Smith (Jefferson)
Arrington	Fanning	Kilborn	Smith (Lee)
Ashcraft (Fayette)	Ferrell	Lee	Sollie
Ashcraft (Lauderd ^e)	Fite	Luck	Stewart (Calhoun)
Bealle	Goodwyn	Mooneyham	Thompson (Etowah)
Bowen, Lewis	Grove	Parker	Tiller
Bowen, L. K.	Hatter	Patterson	Tunstall
Boykin	Henley	Pickens	Tyson
Burns	Hodgson	Ringer	Verner
Byars	Holcombe	Rountree	Walker
Christian	Hornsby	St. John	Wall
Culver	Howard	Sessions	Mrs. Wilkins
Dickinson	Howze	Smith (Clay)	Young
Dunwoody	Jeter		

—54

Nays: Messrs. Burton and Ware—2.

S. 316. To amend Section 1946 of the Code of Alabama of 1907, as amended by an Act of the Legislature of Alabama, approved September 30th, 1919.

Was read a third time at length and passed.

Yeas, 58; nays, 1.

Yeas:**Messrs:**

Mr. Speaker	Bowen, Lewis	Cato	Fanning
Arrington	Bowen, L. K.	Christian	Glenn
Ashcraft (Fayette)	Boykin	Culver	Glover
Ashcraft (Lauderd ^e)	Burns	Dickinson	Goode
Bealle	Calloway	Dunwoody	Goodwyn

Graves	Kilpatrick	Moxley	Smith (Clay)
Grove	Lee	Norman	Smith (Lee)
Hodgson	Letson	Parker	Sollie
Holcombe	Long	Patterson	Stewart (Calhoun)
Hornsby	Luck	Pickens	Tiller
Howard	McDaniel	Posey	Tyson
Howze	McGowen	Powell	Verner
Jeter	Melton	Ringer	Walker
Jones	Mooneyham	Rountree	Young
Kilborn	Moorer		

Nays: Mr. Burton—1.

BILLS ON THIRD READING.

Mr. Speaker:

The Senate has concurred in the House amendment to the following Senate bill:

S. 427. To prohibit members of the court of county commissioners or boards of revenue in the State of Alabama from awarding contracts in which the county of which such county commissioner or member of a board of revenue resides to any person related to them, by blood or marriage, within the fourth degree, or to employ any such relatives to do any work for said county, and to provide punishment for the violation thereof.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 311. To regulate the practice in equity cases in the matter of objection to and consideration of testimony.

S. 306. To amend Section 147 of the Code of Alabama of 1907 relating to itemizing, proving, entering and filing claims.

S. 388. To regulate corporations engaged in the business of issuing guaranties of title to land.

S. 304. To amend Section 146 of the Code of Alabama of 1907 relating to auditing and registry of claims; how paid.

S. 305. To amend an Act entitled "An Act to amend Section 153 of the Code of Alabama" approved September 30th, 1919.

S. 383. To authorize and empower the probate court to sell the lands of a testator for the payment of legacies, when legacies are made a charge on such lands and no power is conferred upon the personal representative to sell the same, and to regulate the practice in such cases.

S. 241. To amend Section 11, of an Act approved August 26th, 1909, entitled "An Act to authorize the holding of elections

by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such elections vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds."

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 1054. To amend Section 6577 of the Code of 1907.

H. 489. To amend subdivision two of Section 4505 of the Code of Alabama of 1907.

H. 552. To prescribe the qualifications of persons who may hold the office of county superintendents of education in the several counties of the State; to regulate the employment or election of county superintendents of education, and to prescribe penalties for the violation of the provisions of this Act.

J. E. Speight,
Secretary.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 552. To prescribe the qualifications of persons who may hold the office of county superintendents of education in the several counties of the State; to regulate the employment or election of county superintendents of education, and to prescribe penalties for the violation of the provisions of this Act.

H. 613. In reference to the Alabama School of Trades and Industry; to give the trustees of said school authority to change

the location for said school; to provide for the refunding of certain monies heretofore subscribed for the use of said school; and to extend the terms of the trustees of such school and to provide for its future management and control.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 242. To validate certain bonds heretofore or hereafter issued by municipal corporations in Alabama. Whereas Section 11 of an Act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds" contains the following limitation, to-wit: "but no bond bearing six per cent interest shall run for a longer period than ten years." Now therefore.

S. 373. To amend Section 6866 of the Code of Alabama of 1907.

S. 433. To change the name of the "State Board of Convict Supervisors" to the "State Board of Administration."

S. 427. To prohibit members of the court of county commissioners or boards of revenue in the State of Alabama from awarding contracts in which the county of which such county commissioner or member of a board of revenue resides to any person related to them, by blood or marriage within the fourth degree, or to employ any such relatives to do any work for said county, and to provide punishment for the violation thereof.

S. 428. To provide for the introduction in evidence of a sheriff's deed without independent proof of facts or proceeding recited in such deed.

S. 220. To amend Section 2047 of the Code of Alabama as last amended.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 943. To regulate the office of the clerks and deputy clerks of the Circuit Court and registers of the Circuit Court in all counties of the State of Alabama having a population of two hundred thousand or more according to the last or any subsequent Federal census, and deputy clerks holding office and performing the duties of Circuit Court clerks at places other than the county site in such counties, their employees and assistants, and to provide for the method of paying the compensation of such clerks, deputy clerks and registers and their employees, assistants or other help.

H. 999. To provide for the retirement of teachers on pay in cities of 100,000 or more, according to the Federal census of 1920 or a subsequent Federal census.

H. 819. To provide for the payment of funds out of the county treasury and to prohibit the drawing of warrants by any officer except the president of the board of revenue of Barbour county and to prohibit the payment of warrants drawn against the funds of said county, except when such warrants are drawn by the president of the board of revenue of Barbour county, Alabama, attested by the clerk of the board, and to give authority to the board of revenue of Barbour county, Alabama, to fix the compensation of the clerk of the board of revenue, provide for the payment thereof; and to repeal all laws in conflict with this Act.

H. 818. To regulate fine and forfeiture fund of Barbour County, Alabama, to require the register of claims against said fund, and same to be presented to the clerk of the Board of Revenue and payment of claims once each year against said fund

and to regulate registration of such claims and to transfer any surplus to the credit of said funds to the general or road fund of said county as may be directed by the Board of Revenue. To require all persons or officers of the county whose duty it shall be to collect revenues and money belonging to Barbour County to forward to the clerk of the Board of Revenue a statement of all monies collected and to what fund deposited and showing the amount of money so deposited in the depository of the county and from what source the same was collected.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Committee on Enrolled Bills.

BILLS ON THIRD READING.

S. 55. To amend subdivision 5, of Section 3052 of the Code, relating to the jurisdiction of the equity courts.

Was taken up. Mr. Fite offered the following substitute for the bill:

Amend Senate Bill No. 55 by substituting therefor the following:

A BILL.

To be entitled an Act to amend Section 3052 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:

That Section 3052 of the Code of Alabama of 1907 be amended so as to read as follows:

3052. Jurisdiction of Equity Courts.—The powers and jurisdiction of Courts of Equity extend—

1. To all civil causes in which a plain and adequate remedy is not provided in the other judicial tribunals.
2. To all cases founded on a gambling consideration, so far as to sustain a bill of discovery and grant relief.
3. To subject an equitable title or claim to real estate, and generally all equitable assets to the payment of debts.
4. To such other cases as may be provided by law.
5. To establish and define uncertain or disputed boundary lines whether the bill contains an independent equity or not.

And the substitute was adopted.

Yeas, 59; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Cato	Graves	Moorer
Adcock	Christian	Grove	Moxley
Allen	Culver	Hatter	Norman
Arrington	Dickinson	Holcombe	Odom
Ashcraft (Fayette)	Dunwoody	Howard	Parker
Ashcraft (Lauderd'e)	Elliott	Howze	Poole
Bealle	Embry	Jeter	Posey
Blackwell	Fanning	Jones	Powell
Bowen, Lewis	Ferrell	Kilborn	Rountree
Bowen, L. K.	Fite	Lee	Sollie
Boykin	Forman	Letson	Stewart (Calhoun)
Burns	Gaines	Long	Tiller
Burton	Glover	Luck	Williams
Byars	Goode	McGowen	Young
Calloway	Goodwyn	Melton	

—59

And the bill,

S. 55. To amend subdivision 5, of Section 3052 of the Code, relating to the jurisdiction of the equity courts.

As amended by the substitute, was read a third time at length and passed.

Yeas, 59; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Cato	Graves	Moorer
Adcock	Christian	Grove	Moxley
Allen	Culver	Hatter	Norman
Arrington	Dickinson	Holcombe	Odom
Ashcraft (Fayette)	Dunwoody	Howard	Parker
Ashcraft (Lauderd'l)	Elliott	Howze	Poole
Bealle	Embry	Jeter	Posey
Blackwell	Fanning	Jones	Powell
Bowen, Lewis	Ferrell	Kilborn	Rountree
Bowen, L. K.	Fite	Lee	Sollie
Boykin	Forman	Letson	Stewart (Calhoun)
Burns	Gaines	Long	Tiller
Burton	Glover	Luck	Williams
Byars	Goode	McGowen	Young
Calloway	Goodwyn	Melton	

—59

S. 308. To provide for the payment of court costs in cases in which the condemnation and forfeiture of conveyance and vehicles of transportation on account of being used in the transportation of prohibited liquors or beverages of any kind is sought, and in which a decree shall be rendered against the State, and to make the provisions hereof retroactive.

Was read a third time at length and passed.

Yeas, 58; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Cato	Goodwyn	McDaniel
Adcock	Christian	Graves	McGowen
Allen	Culver	Guy	Melton
Arrington	Dickinson	Hatter	Moxley
Ashcraft (Fayette)	Dunwoody	Henley	Pickens
Ashcraft (Lauder'de)	Elliott	Henson	Powell
Bealle	Embry	Holcombe	Ringer
Blackwell	Fanning	Howard	Smith (Clay)
Bowen, Lewis	Ferrell	Jeter	Smith (Jefferson)
Bowen, L. K.	Fite	Jones	Smith (Lee)
Boykin	Forman	Kilpatrick	Snodgrass
Burns	Gaines	Letson	Stewart (Calhoun)
Burton	Glenn	Long	Tiller
Byars	Glover	Luck	Verner
Calloway	Goode		

—58

S. 165. To provide for the protection of child-caring agencies and institutions in maintaining custody and control of dependent and orphan children lawfully committed to their care, and to provide for punishment for interference with such custody and control.

Was read a third time at length and passed.

Yeas, 54; nays, 3.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Jones	Sanders (Pike)
Adcock	Embry	Letson	Smith (Clay)
Arrington	Fanning	Long	Smith (Jefferson)
Ashcraft (Fayette)	Ferrell	Luck	Snodgrass
Ashcraft (Lauderdl.)	Forman	McDaniel	Sollie
Bealle	Gaines	Melton	Stewart (Calhoun)
Bowen, Lewis	Goode	Mooneyham	Tiller
Bowen, L. K.	Goodwyn	Norman	Tunstall
Boykin	Henley	Parker	Tyson
Burns	Henson	Patterson	Walker
Calloway	Hodgson	Posey	Ware
Cato	Hornsby	Powell	Mrs. Wilkins
Christian	Howard	Ringer	Young
Culver	Jeter		

—54

Nays: Messrs. Burton, Grove and Kilborn—3.

S. 377. To provide appropriations for the Alabama School of Trades and Industries.

Was read a third time at length and passed.

Yeas, 58; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Arrington	Bealle	Bowen, L. K.
Adcock	Ashcraft (Fayette)	Blackwell	Boykin
Allen	Ashcraft (Lauderdl.)	Bowen, Lewis	Burns

Byars	Forman	Howze	Pickens
Calloway	Gaines	Jeter	Posey
Cato	Goode	Jones	Powell
Christian	Goodwyn	Kilpatrick	Ringer
Culver	Graves	Letson	Rountree
Dickinson	Grove	Luck	Sanders (Pike)
Dunwoody	Hatter	Melton	Smith (Clay)
Elliott	Henley	Mooneyham	Snodgrass
Embry	Henson	Norman	Stewart (Calhoun)
Fanning	Holcombe	Parker	Tiller
Ferrell	Hornsby	Patterson	Tunstall
Fite	Howard		

—58

S. 130. To repeal an act entitled "an Act to amend the title and sections one (1), three (3), four (4), fifteen (15), and 29, and paragraphs B and D of Section eight (8) of an act 'To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees the trustee of such fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty, to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children

and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with the said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act' approved September 28, 1915."

Was taken up. Mr. Arrington offered the following amendment to the bill:

Amend the title and Section 1 of the bill by substituting the figures "40,000" in lieu of the figures "100,000" where the latter figures last occur in the title and in said Section 1.

And the amendment was adopted.

Yeas, 54; nays, 4.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Hornsby	Norman
Adcock	Embry	Howard	Parker
Allen	Fanning	Howze	Patterson
Arrington	Ferrell	Jeter	Pickens
Ashcraft (Fayette)	Forman	Jones	Posey
Ashcraft (Lauderdl.)	Glenn	Kilpatrick	Ringer
Bowen, Lewis	Glover	Lee	Sessions
Bowen, L. K.	Goode	Letson	Smith (Clay)
Boykin	Goodwyn	Long	Smith (Jefferson)
Burns	Graves	Luck	Smith (Lee)
Burton	Hatter	McDaniel	Snodgrass
Cato	Henley	McGowen	Sollie
Christian	Henson	Mooneyham	Thompson (Etowah)
Culver	Hodgson		

—54

Nays:

Messrs:

Grove	Kilborn	Moxley	Stewart (Bibb)
-------	---------	--------	----------------

—4

And the bill,

S. 130. To repeal an act entitled "An Act to amend the title and sections one (1), three (3), four (4), fifteen (15), and 29, and paragraphs B and D of section eight (8) of an act 'To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and

paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees the trustee of such fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums less returned premiums received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with the said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act,' approved September 28, 1915.'

As amended, was read a third time at length and passed.

Yeas, 54; nays, 3.

Yeas:

Messrs:

Mr. Speaker
Adcock
Allen

Arrington
Ashcraft (Fayette)
Ashcraft (Lauderd¹)

Bowen, Lewis
Bowen, L. K.
Boykin

Burns
Calloway
Cato

Christian	Goodwyn	Love	Powell
Culver	Graves	Luck	Ringer
Dickinson	Hatter	McGowen	Sanders (Pike)
Dunwoody	Henley	Melton	Smith (Clay)
Elliott	Howard	Mooneyham	Smith (Lee)
Embry	Howze	Moorer	Snodgrass
Fanning	Jeter	Norman	Stewart (Calhoun)
Ferrell	Jones	Parker	Thompson (Etowah)
Forman	Lee	Patterson	Tunstall
Gaines	Letson	Pickens	Ware
Goode	Long		

—54

Nays: Messrs. Bealle, Burton and Grove—3.

S. 473. To amend Section 6572 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 59; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Kilborn	Powell
Adcock	Fanning	Lee	Ringer
Arrington	Ferrell	Letson	Rountree
Ashcraft (Fayette)	Fite	Long	Smith (Lee)
Ashcraft (Lauderd ¹)	Forman	Love	Snodgrass
Bealle	Gaines	Luck	Sollie
Bowen, Lewis	Glover	McDaniel	Stewart (Bibb)
Bowen, L. K.	Goode	McGowen	Stewart (Calhoun)
Boykin	Goodwyn	Melton	Tunstall
Burns	Graves	Moorer	Wall
Byars	Grove	Moxley	Walton
Calloway	Hatter	Norman	Ware
Cato	Howze	Odom	Williams
Dunwoody	Jeter	Parker	Young
Elliott	Jones	Posey	

—59

MESSAGE FROM THE GOVERNOR.

Gentlemen:

Herewith is returned with suggested amendments House Bill 1005 by Mr. Tunstall, which provides for appropriations for certain purposes. It will be noted from the report of the Budget Commission that a maximum sum of \$19,000.00 was allowed for the payment of all salaries and expenses of the Department of Archives and History. This bill makes in detail appropriation for the salary of officers and employees of that department, and in addition thereto appropriates \$13,000.00 for the maintenance and expenses of the department. The total amount of appropriation thus made to the Department of Archives and History is \$27,560.00 or \$8,560.00 in excess of that allowed by the Budget Commission. Under the former law the appropriations provided by Sections 56, 58, 59, 60, 61 and 62 of this Act were payable out of the appropriation of \$13,000.00 made by Section 66 of this Act for the maintenance and expenses of the Department. By striking Sections 56, 58, 59, 60, 61 and 62, the amount

of the appropriation will be reduced to exactly \$19,000.00, the amount allowed by the Budget Commission.

Therefore, I suggest that the bill be amended as follows:

Amend said bill by striking therefrom Sections 56, 58, 59, 60, 61 and 62.

Respectfully submitted,

September 28, 1923.

Wm. W. Brandon,
Governor.

GOVERNOR'S MESSAGE.

On motion of Mr. Tunstall the House concurred in and adopted the amendment proposed by the Governor to the bill, H. 1005, said Governor's amendment being set out in the above and foregoing message from the Governor.

Yeas, 73; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Howard	Pickens
Adcock	Elliott	Howze	Poole
Allen	Embry	Jeter	Posey
Arrington	Fanning	Jones	Powell
Ashcraft (Fayette)	Ferrell	Kilborn	Ringer
Ashcraft (Lauderd'e)	Fite	Kilpatrick	Rountree
Bealle	Forman	Lee	Snodgrass
Blackwell	Goode	Letson	Stewart (Calhoun)
Bowen, Lewis	Goodwyn	Long	Tiller
Bowen, L. K.	Graves	Love	Tunstall
Boykin	Grove	Luck	Tyson
Burns	Guy	Melton	Verner
Burton	Hall	Moorer	Walker
Byars	Hatter	Moxley	Wall
Calloway	Henley	Norman	Ware
Cato	Henson	Odom	Mrs. Wilkins
Christian	Hodgson	Parker	Williams
Culver	Holcombe	Patterson	Young
Dickinson			

—73

And the bill,

H. 1005. To make appropriation for the ordinary expenses of the offices of the Governor, the Attorney General, the Judiciary Department, and the interest on the public debt, the State Security Commission, the Public Service Commission and the Department of Archives and History.

As amended by the Governor, was again read a third time at length and passed.

Yeas, 73; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ashcraft (Fayette)	Bowen, Lewis	Burton
Adcock	Ashcraft (Lauderd'e)	Bowen, L. K.	Byars
Allen	Bealle	Boykin	Calloway
Arrington	Blackwell	Burns	Cato

Christian	Hall	Long	Ringer
Culver	Hatter	Love	Rountree
Dickinson	Henley	Luck	Snodgrass
Dunwoody	Henson	Melton	Stewart (Calhoun)
Elliott	Hodgson	Moorer	Tiller
Embry	Holcombe	Moxley	Tunstall
Fanning	Howard	Norman	Tyson
Ferrell	Howze	Odom	Verner
Fite	Jeter	Parker	Walker
Forman	Jones	Patterson	Wall
Goode	Kilborn	Pickens	Ware
Goodwyn	Kilpatrick	Poole	Mrs. Wilkins
Graves	Lee	Posey	Williams
Grove	Letson	Powell	Young
Guy			

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House :

By Mr. Randall :

S. J. R. 186. Be it resolved by the Senate, the House concurring, that the State Board of Convict Supervisors be and it is hereby requested forthwith, to report to the Senate and House, what is shown by the records of said Board during the four last preceding administrations as to mutinous insurrections or insubordination among the convicts and what measures were adopted to repress or suppress or quell the same to maintain discipline and punish offenders.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the Senate Joint Resolution No. 186 set out in the above and foregoing message from the Senate.

UNFINISHED BUSINESS.

The House proceeded to the consideration of the unfinished business, which was the bill,

S. 283. To fix the salaries and compensation of certain State officials, appointees, employees, capitol watchmen and servants and to make it unlawful for any parties whose salaries or compensation is fixed hereby to accept any increase in such salary or compensation for any additional duties placed upon such person.

The question was upon the adoption of the amendment offered by Mr. Long. By unanimous consent Mr. Long withdrew his amendment.

Mr. Long moved to table the amendment offered by the Standing Committee on Ways, Means and Appropriations, and the motion was lost.

Yeas, 32; nays, 46.

Yeas:

Messrs:

Adcock	Forman	Love	Sollie
Blackwell	Gaines	Moxley	Stewart (Bibb)
Boykin	Glenn	Poole	Thompson (Etowah)
Burns	Glover	Sanders (Concun)	Thompson (Jackson)
Burton	Hall	Sanders (Pike)	Tiller
Byars	Henley	Sessions	Tyson
Culver	Henson	Smith (Clay)	Ware
Dunwoody	Long	Snodgrass	Young

—32

Nays:

Messrs:

Mr. Speaker	Fite	Kilborn	St. John
Arrington	Goode	Luck	Smith (Jefferson)
Ashcraft (Fayette)	Goodwyn	McGowen	Smith (Lee)
Ashcraft (Lauderd ¹)	Graves	Melton	Stewart (Calhoun)
Bealle	Grove	Mooneyham	Tunstall
Bowen, Lewis	Guy	Moorer	Verner
Bowen, L. K.	Hodgson	Norman	Walker
Calloway	Holcombe	Odom	Wall
Cato	Hornsby	Patterson	Walton
Embry	Howze	Pickens	Mrs. Wilkins
Fanning	Jeter	Powell	Williams
Ferrell	Jones		

—46

PAIR ANNOUNCED.

Mr. Lee, yea; Mr. McDaniel, nay.

And the amendment offered by the committee was adopted.
Yeas, 48; nays, 32.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Jones	Powell
Arrington	Fite	Kilborn	St. John
Ashcraft (Fayette)	Goode	Letson	Smith (Jefferson)
Ashcraft (Lauderd ¹)	Goodwyn	Luck	Smith (Lee)
Bealle	Graves	McGowen	Stewart (Calhoun)
Bowen, Lewis	Grove	Melton	Tunstall
Bowen, L. K.	Guy	Mooneyham	Verner
Calloway	Hodgson	Moorer	Walker
Cato	Holcombe	Norman	Wall
Christian	Hornsby	Odom	Walton
Embry	Howze	Patterson	Mrs. Wilkins
Fanning	Jeter	Pickens	Williams

—48

Nays:**Messrs:**

Adcock	Dunwoody	Moxley	Sollie
Blackwell	Forman	Poole	Stewart (Bibb)
Boykin	Glenn	Ringer	Thompson (Etowah)
Burns	Hall	Sanders (Conecuh)	Thompson (Jackson)
Burton	Henley	Sanders (Pike)	Tiller
Byars	Henson	Sessions	Tyson
Culver	Long	Smith (Clay)	Ware
Dickinson	Love	Snodgrass	Young

—32

And the bill,

S. 283. To fix the salaries and compensation of certain State ~~officials, appointees, employees, capitol watchmen and servants~~ and to make it unlawful for any parties whose salaries or compensation is fixed hereby to accept any increase in such salary or compensation for any additional duties placed upon such person.

As amended, was read a third time at length and passed.

Yeas, 49; nays, 31.

Yeas:**Messrs:**

Mr. Speaker	Ferrell	Jones	Ringer
Arrington	Fite	Kilborn	St. John
Ashcraft (Fayette)	Goode	Luck	Smith (Jefferson)
Ashcraft (Lauderdl.)	Goodwyn	McGowen	Smith (Lee)
Bealle	Graves	Melton	Stewart (Calhoun)
Bowen, Lewis	Grove	Mooneyham	Tunstall
Bowen, L. K.	Guy	Moorer	Verner
Calloway	Hodgson	Norman	Walker
Cato	Holcombe	Odum	Wall
Christian	Hornsby	Patterson	Walton
Dickinson	Howze	Pickens	Mrs. Wilkins
Embry	Jeter	Powell	Williams
Fanning			

—49

Nays:**Messrs:**

Adcock	Gaines	Moxley	Stewart (Bibb)
Blackwell	Glenn	Poole	Thompson (Etowah)
Boykin	Glover	Sanders (Conecuh)	Thompson (Jackson)
Burns	Hall	Sanders (Pike)	Tiller
Burton	Henley	Sessions	Tyson
Byars	Henson	Smith (Clay)	Ware
Culver	Long	Snodgrass	Young
Dunwoody	Love	Sollie	

—31

PAIR ANNOUNCED.

Mr. Lee, nay; Mr. McDaniel, yea.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 958. To repeal an Act entitled an Act: "To prevent the spread of tuberculosis by the creation of a tuberculosis commission, to provide for its organization and work, and to authorize the erection and maintenance of local hospitals under its supervision," approved September 22, 1915.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in the House amendments to the following Senate bills:

S. 113. To amend an Act entitled an Act "To provide for the establishment and maintenance of a home for mental inferiors in Alabama; to define who are mental inferiors; to provide for their care, treatment and training, and to appropriate the money necessary therefor from the State Treasury," approved September 29, 1919.

S. 149. To amend an Act entitled "An Act to promote the sale of farm loan bonds issued by the Federal Land Banks organized under the provisions of the Farm Loan Act" approved September 17, 1919.

S. 490. To amend an Act entitled an Act to provide for the payment of claims against the fine and forfeiture fund of Tuscaloosa county, approved February 23, 1899, so that the same will read as follows:

J. E. Speight,
Secretary.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 748. To amend Section 1 of Article 3 of an Act entitled "An Act to provide a complete educational system for the State of Alabama * * *," approved September 26, 1919.

Also:

H. 518. To create and establish and locate a state secondary agricultural school in School District No. 4-A, Jefferson County, Alabama; to provide for the control thereof; to make appropriations for its support and maintenance; and to authorize the County Board of Revenue to make appropriations therefor.

Also:

H. 489. To amend subdivision two of Section 4505 of the Code of Alabama of 1907.

Also:

H. 314. To define maternity hospitals and to provide for the licensing, regulation and supervision of such hospitals.

Also:

H. 874. To legally confirm the local designation of Lake Bankhead, a part of the Warrior River.

Also:

H. 617. To protect land owners against the burdens of increased assessments or tax raises on lands being drained in Alabama.

Also:

~~H. 1054. To amend Section 6577 of the Code of 1907.~~

Also:

H. 373. Regulating the administration of guardianships and estates in the Chancery Courts or the Courts of like jurisdiction in this State.

Also:

H. 911. For the relief of Levi F. Clayton.

Also:

H. 1050. To provide for the election of the county board of education of Chambers County, Alabama; to divide the county into districts from which shall be elected a member of such board by the electors of such district.

Also:

H. 1049. To repeal an Act entitled "An Act to incorporate the town of Pickens in Pickens County," and approved January 7, 1826.

Also:

H. 974. To provide for the working of all male inhabitants of Henry County, Alabama, between the ages of eighteen and forty-five years, on the public roads of said county; to provide for the levy and collection of a per capita road tax upon such persons in lieu of such road service; to be used for the maintenance, upkeep, building and repair of such public roads; to prescribe the manner and means of raising or collecting such tax; to provide for and regulate the working, building, maintenance and upkeep of the public roads of said county; and to provide and fix penalties for the violation of the provisions of this Act.

Also:

H. 961. To repeal an Act entitled an Act "provide for the improvement of the public roads and bridges of Tallapoosa County, Alabama," approved February 28, 1911.

Also:

H. 288. To repeal an Act to prescribe a limitation for the bringing of suits for the recovery of personal property or the

value thereof or damages for the conversion thereof where the title is founded on a mortgage or conditional sale.

Also:

H. 685. To prescribe the duties and fix the compensation of the deputy solicitor for Walker County, Alabama, and to repeal all laws and parts of laws in conflict with this Act.

Also:

H. 181. To make it unlawful for any person not a member of the American Legion, Veterans of Foreign Wars, United Confederate Veterans, Spanish War Veterans, or any similar organization, to wear any emblem or insignia of any of such organizations, and to provide a penalty therefor.

Also:

H. 1036. To authorize and provide for the payment of the sum of two thousand five hundred (\$2,500.00) dollars for the relief of Odell Garrison, of Jefferson County, who was injured on the 31st day of December, 1920, while in line of duty with the National Guard of Alabama.

Also:

H. 1055. To repeal an Act entitled "An Act to provide for the creation of the office of county auditor of Walker County, Alabama, to define the powers and duties thereof, to provide for his compensation, to fix his term of office and prescribe the manner of his appointment and election," approved February 28, 1907.

Also:

H. 827. To amend subdivision (3) of Section 3481 of the Code of Alabama of 1907.

Also:

H. 893. To abolish the office of Justices of the Peace and Notary Publics Ex-Officio Justices of the Peace in Precinct 1, Autauga County, Alabama.

Also:

H. 313. To regulate child-placing, and to provide for the licensing, visitation, supervision, inspection and regulation of agencies and institutions within the State of Alabama that are engaged in the business of receiving and caring for children or of placing them or boarding them in private homes.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are

set out in the above and foregoing report of the Committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 131. To amend Section 3531 of the Code of Alabama of 1907 as amended by an Act of the Legislature approved October 5, 1920.

S. 186. To regulate the establishment and licensing and operation of ferries on a river which is in whole or in part the dividing line between two counties of this State, at points touching incorporated municipalities.

S. 498. To amend Section 12 of an Act entitled "An Act to create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto," approved March 2, 1911.

S. 312. To amend Section 1935 of the Code of Alabama of 1907.

S. 313. To amend Section 1952 of the Code of Alabama of 1907 as amended by an Act of the Legislature of Alabama, approved September 30th, 1919.

S. 314. To amend Section 1942 of the Code of Alabama of 1907, as amended by Acts of the Legislature of Alabama, approved March 13th, 1911 and September 30th, 1919.

S. 315. To amend Section 1941 of the Code of Alabama of 1907, as amended by an Act of the Legislature of Alabama, approved September 30th, 1919.

S. 499. To provide for and regulate further the banking department for the State of Alabama to the end of better regulating the examinations and supervision of banks and banking in this State.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

BILLS ON THIRD READING.

S. 460. To exempt cotton mills or factories, and other textile mills, or additions thereto, constructed or made during the period

beginning Sept. 30, 1923, and ending Sept. 30, 1930, from state, county and municipal taxes, for a period not to exceed five years; all such exemption to terminate finally Sept. 30, 1930.

Mr. Long offered the following amendment to the bill:

Amend Senate Bill 460 by adding at the end thereof the following:

"Where a statute of this State has expressly exempted from taxation for a given number of years a certain class or classes of property in consideration that such property should be invested, devoted or used for a certain industrial or manufacturing purpose, and such property has been so invested, used or devoted for such purpose within the period for which it was exempt from taxation by the statute, and the statute is thereafter repealed, that the property so within the protection of the exemption from taxation at the time of the repeal shall continue to be exempt from taxation for the period fixed in the statute, notwithstanding the statute conferring the exemption has been repealed."

On motion of Mr. Lewis Bowen the amendment offered by Mr. Long was laid upon the table.

Yeas, 57; nays, 8.

Yeas:

Messrs:

Mr. Speaker	Gaines	McDaniel	Stewart (Bibb)
Ashcraft (Lauderdl.)	Glenn	Mooneyham	Stewart (Calhoun)
Bowen, Lewis	Glover	Moorer	Thompson (Etowah)
Bowen, L. K.	Graves	Patterson	Thompson (Jackson)
Burns	Hall	Pickens	Tiiler
Byars	Henley	Posey	Tunstall
Calloway	Hodgson	Powell	Tyson
Culver	Howard	Ringer	Verner
Dickinson	Jeter	St. John	Walker
Dunwoody	Jones	Sanders (Pike)	Wall
Elliott	Kilborn	Smith (Jefferson)	Walton
Embry	Letson	Smith (Lee)	Ware
Fanning	Love	Snodgrass	Mrs. Wilkins
Ferrell	Luck	Sollie	Williams
Fite			

—57

Nays:

Messrs:

Goode	Grove	Hatter	Moxley
Goodwyn	Guy	Long	Poole

—8

Amend Senate Bill No. 460 by adding immediately after the word "thereto," where it appears in the second line in the caption of said bill the following: "Also all stock farms or enterprises and all farms purchased or acquired or"

On motion of Mr. Fite the bill and amendment was laid upon the table.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has non-concurred in the House amendment to the bill:

S. 283. To fix the salaries and compensation of certain State officials, appointees, employees, capitol watchmen and servants and to make it unlawful for any parties whose salaries or compensation is fixed hereby to accept any increase in such salary or compensation for any additional duties placed upon such person.

~~And requests a~~ Committee on Conference.

The President has appointed on the part of the Senate, Messrs. Ellis, Oliver and Inzer as conferees.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House acceded to the request for a Committee of Conference and the Speaker named as Committee of Conference, Messrs. Tunstall, Ashcraft of Lauderdale and Embry.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has passed the following House bill and returns same herewith to the House:

H. 805. To submit to the qualified electors of the State at the general election to be held in November, 1924, an amendment to the Constitution for the purpose of authorizing Walker County, Alabama, to levy and collect a special road tax not exceeding fifty cents on each one hundred dollars worth of taxable property in said county, under such regulations as the Legislature may have prescribed or may hereafter prescribe.

J. E. Speight,
Secretary.

MESSAGE FROM THE GOVERNOR.

Herewith I am returning without my approval House Bill No. 552 "A bill to prescribe the qualifications of persons who may hold the office of county superintendent of education in the several counties of the State, * * *, etc."

The bill in its present form fixes the life certificate as the minimum qualification for the office of county superintendent of education. This certificate has the same rank as a first grade teacher's certificate which may be obtained by any high school graduate and is now held by many teachers who have not completed the high school course. Under the present general law and its operation all county superintendents are now required to hold an Alabama certificate in administration and supervision issued by the State Board of Education, the requirements for which are several years

higher than those prescribed for a life certificate. Therefore, a superintendent possessing no higher qualifications than those prescribed in this bill would find many of the teachers under his supervision outranking him materially in both scholarship and professional training. Such a situation would result in conditions from which the children would be the chief sufferers.

As was stated in a former communication to you upon this subject, however much there may be of difference of opinion in regard to the best method for the selection of county superintendents, I submit that there should be no difference of opinion in the matter of their qualifications; that there should be no lowering of academic or professional standards, and that the minimum qualifications for superintendents should be uniform throughout the State.

I, therefore, suggest the following amendment to the bill:

Amend Section 1 of the amended substitute bill so as to read as follows:

Section 1. That no person shall be eligible for appointment by any county board of education or for political party nomination or for election to the office of county superintendent of education of any county who does not as now required hold an Alabama certificate in administration and supervision based as a minimum upon graduation from a standard normal school or equivalent education, with at least one year of additional study of college grade and proof of three years of successful teaching experience; provided that the provisions of this section shall not apply to county superintendents of education in office at the time of the passage of this Act.

The qualifications suggested in this amendment are those which are now being enforced.

With the adoption of this amendment the bill will meet my approval.

Wm. W. Brandon,
Governor of Alabama.

Sept. 28, 1923.

GOVERNOR'S MESSAGE.

The House concurred in and adopted the amendment proposed by the Governor to the bill, H. 552, said Governor's amendment being set out in the above and foregoing message from the Senate.

Yeas, 55; nays, 1.

Yeas:

Messrs:

Adcock	Fite
Ashcraft (Lauder's)	Gaines
Bowen, Lewis	Glenn
Bowen, L. K.	Glover
Burns	Goode
Byars	Graves
Calloway	Grove
Christian	Guy
Culver	Henley
Dickinson	Henson
Dunwoody	Hodgson
Embry	Howard
Fanning	Howze
Ferrell	Jeter

Jones
Letson
Long
Love
Luck
McDaniel
McGowen
Mooneyham
Moorer
Moxley
Norman
Odom
Patterson
Posey

Sanders (Pike)
Smith (Lee)
Sollie
Stewart (Calhoun)
Thompson (Etowah)
Thompson (Jackson)
Tiller
Tunstall
Walker
Ware
Mrs. Wilkins
Williams
Young

—55

Nays: Mr. Ringer—1.

Which was a majority of the whole number elected to the House.

And the bill,

H. 552. To prescribe the qualifications of persons who may hold the office of county superintendents of education in the several counties of the State; to regulate the employment or election of county superintendents of education, and to prescribe penalties for the violation of the provisions of this Act.

As amended by the amendment proposed by the Governor, was again read a third time at length and passed.

~~Yeas, 55; nays, 1.~~

Yeas:

Messrs:

Adcock	Fite	Jones	Sanders (Pike)
Ashcraft (Lauder)	Gaines	Letson	Smith (Lee)
Bowen, Lewis	Glenn	Long	Sollie
Bowen, L. K.	Glover	Love	Stewart (Calhoun)
Burns	Goode	Luck	Thompson (Etowah)
Byars	Graves	McDaniel	Thompson (Jackson)
Calloway	Grove	McGowen	Tiller
Christian	Guy	Mooneyham	Tunstall
Culver	Henley	Moorer	Walker
Dickinson	Henson	Moxley	Ware
Dunwoody	Hodgson	Norman	Mrs. Wilkins
Embry	Howard	Odom	Williams
Fanning	Howze	Patterson	Young
Ferrell	Jeter	Posey	

—55

Nays: Mr. Ringer—1.

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended, has passed the following House bill and returns same herewith to the House:

H. 110. To permit purchaser, mortgagee or lien holder to pay proportionate or ratable amount of taxes on real estate sold to him or subject to his mortgage or lien in certain cases, without paying entire taxes which are a lien upon such property.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Gaines the House concurred in and adopted the Senate amendment to the bill, H. 110, said Senate amendment being as follows:

Amend H. 110 by striking out the words "or vendee" in the first line of Section 1, and by adding at the end of Section 1 the following:

"Provided that the portion of the real estate sought to be redeemed is valued separately in the assessment, if it be less than all the real estate included in the assessment."

Yeas, 59; nays, 0.

Yeas:

Messrs:

Adcock	Fite	Kilpatrick	Ringer
Ashcraft (Fayette)	Gaines	Letson	Sanders (Conecuh)
Ashcraft (Lauderd'l)	Glover	Long	Smith (Lee)
Bowen, Lewis	Goode	Luck	Sollie
Bowen, L. K.	Goodwyn	McDaniel	Stewart (Calhoun)
Boykin	Graves	McGowen	Thompson (Etowah)
Burns	Grove	Melton	Thompson (Jackson)
Byars	Henley	Moxley	Tunstall
Calloway	Henson	Norman	Walker
Christian	Hodgson	Odom	Wall
Culver	Holcombe	Parker	Ware
Dickinson	Howard	Patterson	Mrs. Wilkins
Embry	Howze	Poole	Williams
Fanning	Jones	Posey	Young
Ferrell	Kilborn	Powell	

—59

MESSAGE FROM THE SENATE.

Mr. Speaker:

Relative to H. J. R. 255, I am requested by the Senate to notify the House that H. 930 was passed by the Senate and returned to the House on the 49th Legislative Day, September 25th, 1923.

And the resolution is herewith returned.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

S. 266. To prohibit derogatory statements affecting any bank doing business in this State and to prevent the libel or slander of any such bank and to provide for the punishment for the violation of this Act.

Said Governor's message containing the proposed amendment being in the following words and figures:

MESSAGE TO THE SENATE.

Gentlemen:

I herewith return to you Senate Bill No. 266 without my approval. The bill purports to prohibit derogatory statements affecting banks and

prevent libel and slander of such banks and to provide penalty and punishment for violations. In the body of the bill no reference is made to any false, libelous or slanderous matter, but the bill attempts to make it a crime for any person to make or circulate any statement, rumor or suggestion, by written, printed statement or by word of mouth, which is directly or by inference derogatory to the financial condition of a bank. Surely it was not the purpose of this bill to make the circulation of true statements about a bank a crime. If such be the purpose of the bill I cannot approve it. However, I suggest the following amendment, which would remove my objection:

Insert after the word "any" and before the word "statement," where they occur in the seventh line of the bill, the following words:

"False, libelous or slanderous."

With this amendment the bill will meet my approval.

Respectfully submitted,

(Signed) Wm. W. Brandon,

This 25th day of September, 1923.

Governor.

And the Senate has concurred in and adopted the message proposed by His Excellency, the Governor, to the bill, S. 266, by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas 24, nays 0.

And said bill as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote on the passage of said bill as amended being: Yeas 23, nays 0.

And said bill, together with the Governor's message is herewith send to the House for its consideration.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the amendment proposed by the Governor to the bill, S. 266, said Governor's amendment being set out in the above and foregoing message from the Senate.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Calloway	Gaines	Howze
Adcock	Cato	Glover	Jeter
Arrington	Christian	Goode	Lee
Ashcraft (Fayette)	Culver	Goodwyn	Letson
Ashcraft (Lauderd'l)	Dickinson	Grove	Long
Bealle	Dunwoody	Guy	Luck
Bowen, Lewis	Embry	Hatter	McGowen
Bowen, L. K.	Fanning	Henley	Moorer
Boykin	Ferrell	Henson	Moxley
Burns	Fite	Holcombe	Norman
Byars	Forman	Howard	Odom

Parker	Powell	Smith (Lee)	Walker
Pickens	Ringer	Sollie	Wall
Poole	St. John	Stewart (Calhoun)	Walton
Posey	Sessions	Tunstall	Young

—60

And the bill,

S. 266. To prohibit derogatory statements affecting any bank doing business in this State and to prevent the libel or slander of any such bank and to provide for the punishment for the violation of this Act.

As amended by the amendment proposed by the Governor, was again read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Henson	Pickens
Adcock	Dunwoody	Holcombe	Poole
Arrington	Embry	Howard	Posey
Ashcraft (Fayette)	Fanning	Howze	Powell
Ashcraft (Lauderd'l)	Ferrell	Jeter	Ringer
Bealle	Fite	Lee	St. John
Bowen, Lewis	Forman	Letson	Sessions
Bowen, L. K.	Gaines	Long	Smith (Lee)
Boykin	Glover	Luck	Sollie
Burns	Goode	McGowen	Stewart (Calhoun)
Byars	Goodwyn	Moorer	Tunstall
Calloway	Grove	Moxley	Walker
Cato	Guy	Norman	Wall
Christian	Hatter	Odom	Walton
Culver	Henley	Parker	Young

—60

BILLS ON THIRD READING.

S. 326. To provide for the construction and operation of fish cultural stations in the State of Alabama; to provide for the acquisition of suitable areas in the name of the State; to provide for the administration and management of fish cultural stations; to provide for payment of employees; to provide for a fishing license, and for other purposes.

Was taken up. Mr. Holcombe offered the following amendment to the bill:

Amend the bill by striking out Section five.

And the amendment was adopted.

Yeas, 48; nays 6.

Yeas:

Messrs:

Mr. Speaker	Ashcraft (Fayette)	Bowen, L. K.	Christian
Adcock	Ashcraft (Lauderd'l)	Calloway	Culver
Arrington	Bowen, Lewis	Cato	Elliott

Embry	Holcombe	Luck	Poole
Fite	Hornsby	McDaniel	Posey
Forman	Howard	McGowen	Powell
Gaines	Howze	Mooneyham	Ringer
Goode	Jeter	Moorer	Stewart (Calhoun)
Goodwyn	Jones	Norman	Tunstall
Henley	Kilborn	Parker	Mrs. Wilkins
Henson	Kilpatrick	Patterson	Williams
Hodgson	Letson	Pickens	Young

—48

Nays:

Messrs:

Boykin

Long

Snodgrass

Sollie

Walton

Ware

—6

Mr. Holcombe offered the following amendment to the bill:
Amend Section 10 of S. 326 by adding after the word "bream" in the fourth line thereof the words "from the fresh waters of this State."

And the amendment was adopted.

Yeas, 48; nays, 6.

Yeas:

Messrs:

Mr. Speaker

Adcock

Arrington

Ashcraft (Fayette)

Ashcraft (Lauderd'e)

Bowen, Lewis

Bowen, L. K.

Calloway

Cato

Christian

Culver

Elliott

Embry

Fite

Forman

Gaines

Goode

Goodwyn

Henley

Henson

Hodgson

Holcombe

Hornsby

Howard

Howze

Jeter

Jones

Kilborn

Kilpatrick

Letson

Luck

McDaniel

McGowen

Mooneyham

Moorer

Norman

Farker

Patterson

Pickens

Poole

Posey

Powell

Ringer

Stewart (Calhoun)

Tunstall

Mrs. Wilkins

Williams

Young

—48

Nays:

Messrs:

Boykin

Long

Snodgrass

Sollie

Walton

Ware

—6

Mr. Kilborn offered the following amendment to the bill:
Amend Senate bill 326 by adding Section 10½ as follows: It shall be unlawful to take, catch, kill, or have in possession at any time any fresh water trout less than seven inches in length and if in fishing such small fish shall inadvertently be caught they shall be immediately replaced in the water."

And the amendment was adopted.

Yeas, 48; nays, 6.

Yeas:

Messrs:

Mr. Speaker

Adcock

Arrington

Ashcraft (Fayette)

Ashcraft (Lauderd'e)

Bowen, Lewis

Bowen, L. K.

Calloway

Cato	Henley	Kilpatrick	Pickens
Christian	Henson	Letson	Poole
Culver	Hodgson	Luck	Posey
Elliott	Holcombe	McDaniel	Powell
Embry	Hornsby	McGowen	Ringer
Fite	Howard	Mooneyham	Stewart (Calhoun)
Forman	Howze	Moorer	Tunstall
Gaines	Jeter	Norman	Mrs. Wilkins
Goode	Jones	Parker	Williams
Goodwyn	Kilborn	Patterson	Young
—48			
<i>Nays:</i>			
<i>Messrs:</i>			
Boykin	Snodgrass	Walton	Ware
Long	Sollie		
—6			

And the bill,

S. 326. To provide for the construction and operation of fish cultural stations in the State of Alabama; to provide for the acquisition of suitable areas in the name of the State; to provide for the administration and management of fish cultural stations; to provide for payment of employees; to provide for a fishing license, and for other purposes.

As amended, was read a third time at length and passed.

Yeas, 50; nays, 4.

<i>Yeas:</i>			
<i>Messrs:</i>			
Mr. Speaker	Embry	Howard	Patterson
Adcock	Fanning	Howze	Pickens
Ashcraft (Fayette)	Ferrell	Jeter	Poole
Ashcraft (Lauderd ¹)	Fite	Jones	Ringer
Bealle	Goode	Kilborn	Smith (Lee)
Bowen, Lewis	Goodwyn	Kilpatrick	Stewart (Calhoun)
Bowen, L. K.	Graves	Letson	Tunstall
Calloway	Grove	Luck	Walker
Christian	Hatter	McGowen	Wall
Culver	Henley	Mooneyham	Walton
Dickinson	Hodgson	Moxley	Williams
Dunwoody	Holcombe	Norman	Young
Elliott	Hornsby		
—50			
<i>Nays:</i>			
<i>Messrs:</i>			
Boykin	Long	Snodgrass	Ware
—4			

S. 367. To revise and amend Chapter 20 of the Code of 1907.

Was taken up. Mr. Tunstall offered the following amendment to the bill:

Amend by striking "1926" from Section 658 and insert "1924, and shall hold office for a term of six years."

And the amendment was adopted.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Jones	Powell
Adcock	Forman	Lee	Ringer
Arrington	Glenn	Letson	Rountree
Bealle	Glover	Long	St. John
Boykin	Goode	Love	Sessions
Burns	Goodwyn	Luck	Smith (Lee)
Byars	Graves	Melton	Sollie
Cato	Hall	Moorer	Tiller
Christian	Hatter	Moxley	Tunstall
Culver	Henley	Norman	Tyson
Dickinson	Henson	Odom	Varnier
Dunwoody	Hodgson	Parker	Ware
Elliott	Hornsby	Pickens	Mrs. Wilkins
Embry	Howze	Poole	Williams
Ferrell	Jeter	Posey	Young

—60

And the bill,

S. 367. To revise and amend Chapter 20 of the Code of 1907.

As amended, was read a third time at length and passed.

Yeas, 48; nays, 9.

Yeas:

Messrs:

Mr. Speaker	Embry	Howze	Posey
Adcock	Fanning	Jeter	Powell
Ashcraft (Fayette)	Ferrell	Jones	Ringer
Ashcraft (Lauderdl.)	Fite	Letson	Snodgrass
Bealle	Goode	Luck	Stewart (Calhoun)
Bowen, Lewis	Goodwyn	McDaniel	Tunstall
Bowen, L. K.	Graves	McGowen	Walker
Burns	Grove	Melton	Wall
Calloway	Hatter	Mooneyham	Walton
Christian	Henley	Patterson	Mrs. Wilkins
Dunwoody	Holcombe	Pickens	Williams
Elliott	Howard	Poole	Young

—48

Nays:

Messrs:

Boykin	Moxley	Sollie	Tyson
Henson	Sanders (Conecuh)	Tiller	Ware
Long			

—9

S. 368. To revise and amend Chapter 224 of the Code of 1907.

Was read a third time at length and passed.

Yeas, 48; nays, 11.

Yeas:

Messrs:

Mr. Speaker	Bealle	Calloway	Fanning
Adcock	Bowen, Lewis	Christian	Ferrell
Ashcraft (Fayette)	Bowen, L. K.	Elliott	Fite
Ashcraft (Lauderdl.)	Burns	Embry	Goode

Goodwyn	Howze	Norman	Thompson (Etowah)
Grove	Jeter	Patterson	Tunstall
Guy	Jones	Pickens	Walker
Hatter	Kilpatrick	Poole	Wall
Henley	Letson	Posey	Walton
Hodgson	Luck	Ringer	Mrs. Wilkins
Hornsby	McGowen	Smith (Clay)	Williams
Howard	Mooneyham	Stewart (Calhoun)	Young

—48

Nays:

Messrs:

Boykin	Long	Snodgrass	Tiller
Henson	Moxley	Sollie	Ware
Kilborn	Sanders (Pike)	Thompson (Jackson)	

—11

S. 358. To provide for the relief of Arthur Greenwood, Spiro Greenwood, and Harry Greenwood, partners doing business under the style and firm name of Greenwood Cafe.

Was read a third time at length and passed.

Yeas, 56; nays, 2.

Yeas:

Messrs:

Mr. Speaker	Embry	Howard	Patterson
Adcock	Fanning	Howze	Pickens
Arrington	Ferrell	Jeter	Poole
Ashcraft (Fayette)	Fite	Jones	Posey
Ashcraft (Lauderdl.)	Glover	Kilborn	Powell
Bealle	Goode	Letson	Rountree
Bowen, Lewis	Goodwyn	Long	Smith (Jefferson)
Bowen, L. K.	Hatter	Love	Smith (Lee)
Boykin	Henley	McGowen	Snodgrass
Burns	Henson	Melton	Stewart (Calhoun)
Calloway	Hodgson	Mooneyham	Tiller
Culver	Holcombe	Norman	Tunstall
Dickinson	Hornsby	Odom	Ware
Dunwoody		Parker	Mrs. Wilkins

—56

Nays: Messrs. Sollie, and Thompson of Etowah—2.

S. 400. To fix the compensation or salaries to be paid the judges of probate, sheriffs, tax collectors, tax assessors, and members of courts of county commissioners or boards of revenue and other courts of like jurisdiction in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same; to provide for the selection of clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such offices; and to require

all of said officers to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said officers, as other moneys belonging to said counties are paid.

Was taken up. Mr. Goodwyn offered the following substitute for the bill:

Substitute for Senate bill No. 400:

A BILL.

To be entitled an Act to fix the compensation or salaries to be paid the Judges of Probate, Sheriffs, Tax Collectors, Tax Assessors, and members of Courts of County Commissioners or Boards of Revenue and other courts of like jurisdiction in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officers; and to require all of said officers to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said officers, as other monies belonging to said counties are paid.

Be it enacted by the Legislature of Alabama:

Section 1. That the judges of probate, sheriffs, tax collectors, tax assessors, and members of Courts of County Commissioners, Boards of Revenue and other courts of like jurisdiction in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people, according to the last Federal census, or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, shall be paid an annual salary, which shall be paid to and received by the said officers in lieu of all other compensations, fees or emoluments, as follows: The Judge of Probate shall receive an annual salary of six thousand dollars net, and an allowance of eleven thousand one hundred dollars per annum for office help as follows: One clerk at twenty-four hundred dollars per annum; two clerks at eighteen hundred dollars per annum each; one clerk at fifteen hundred dollars per annum; two clerks at twelve hundred dollars per annum each and twelve hundred dollars per annum for other expenses and contingencies to be paid out on warrant on proper certificate of the said Probate Judge. The

sheriff shall receive an annual salary of four thousand dollars net, and an allowance of ten thousand nine hundred dollars per annum for help as follows: One deputy at twenty-four hundred dollars per annum; two deputies at eighteen hundred dollars per annum each, and two guards for the County Jail in said counties at fifteen hundred dollars per annum each, and nine hundred dollars per annum for an attorney, and one thousand dollars per annum for other expenses and ex-officio services of the said sheriffs; the said one thousand dollars to be paid to the said sheriffs in monthly installments and disbursed by him.

The tax collectors shall receive an annual salary of four thousand dollars net, and an allowance of thirty-four hundred dollars per annum for office help as follows: One clerk at twenty-four hundred dollars per annum, and one thousand dollars per annum for other expenses and ex-officio services of the said tax collectors. The said one thousand dollars to be paid to the said tax collectors in monthly installments and disbursed by him.

The tax assessor shall receive an annual salary of four thousand dollars net, and an allowance of six thousand four hundred dollars per annum for office help as follows: One clerk at twenty-four hundred dollars per annum; one clerk at eighteen hundred dollars per annum; one clerk at twelve hundred dollars per annum; and one thousand dollars per annum for other expenses and ex-officio services of the said tax assessors. The said one thousand dollars to be paid to the said tax assessors in monthly installments and disbursed by him.

That each member of Courts of County Commissioners, or Boards of Revenue and other courts of like jurisdiction shall receive an annual salary of eighteen hundred dollars per annum, and that the salary of the clerk of such courts or Boards of Revenue may be fixed at a maximum of three thousand dollars per annum.

Section 2. That the Courts of County Commissioners, Boards of Revenue and other courts of like jurisdiction in such counties are hereby authorized and empowered to provide for additional deputies in the office of sheriff of such counties and to fix their compensation and to provide how they are to be paid whenever in the discretion of such courts or boards such deputies are necessary for the proper conduct of the public business. The compensation of such deputies not fixed by this Act shall be fixed by such courts or boards; and the selection of such deputies shall be left to the sheriff under whom they are employed and the sheriff shall have the right to discharge such deputies at his will. Said courts or boards are also authorized and empowered to furnish the tax assessor and tax collector of said counties extra clerical assistance not to exceed nine hundred dollars per annum

for each of said offices whenever in their discretion such assistance is necessary.

Section 3. That all of said officers shall pay into the county treasury of said counties, all costs, charges of courts, fees and commissions authorized by law, or which may hereafter be authorized by law to be collected by said officers as other moneys belonging to said counties are paid. The courts of county commissioners, boards of revenue and other courts of like jurisdiction shall have the power and authority to have audited the accounts of all said officers for the purpose of requiring a strict compliance with the provisions of this Act.

Section 4. That all compensations and salaries of the said officers mentioned in this Act and all allowances provided for expenses, clerical help and other assistance shall be paid out of the general fund of the several counties affected in monthly installments.

Section 5. That the premiums on said officers' bonds and the bonds of their clerks and deputies shall be paid out of the general funds of the several counties affected.

Section 6. That all laws or parts of laws, general, local or special in conflict with the provisions of this Act be, and the same are hereby expressly repealed.

And the substitute was adopted.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glover	Hubbard	Sessions
Adcock	Goode	Lee	Stewart (Biob)
Bealle	Goodwyn	Letson	Stewart (Calhoun)
Boykin	Graves	Long	Thompson (Etowah)
Burns	Grove	Love	Thompson (Jackson)
Burton	Guy	Luck	Tiller
Byars	Hall	McGowen	Tyson
Calloway	Hatter	Melton	Varner
Cato	Henley	Odom	Walker
Christian	Henson	Poole	Wall
Culver	Hodgson	Posey	Walton
Dickinson	Holcombe	Ringer	Ware
Dunwoody	Hornsby	St. John	Mrs. Wilkins
Forman	Howard	Sanders (Conecuh)	Williams
Gaines	Howze	Sanders (Pike)	Young

—60

S. 400. To fix the compensation or salaries to be paid the judges of probate, sheriffs, tax collectors, tax assessors, and members of courts of county commissioners or boards of revenue and other courts of like jurisdiction in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census

which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same. To provide for the selection of clerical help and other assistance to said offices and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such offices: and to require all of said officers to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said officers, as other moneys belonging to said counties are paid.

As amended by the substitute, was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glenn	Lee	Posey
Ashcraft (Fayette)	Glover	Long	Powell
Ashcraft (Lauderdl')	Goodwyn	Love	Ringer
Boykin	Graves	Luck	Rountree
Burns	Grove	McDaniel	St. John
Burton	Guy	McGowen	Sessions
Calloway	Hall	Melton	Snodgrass
Cato	Hatter	Mooneyham	Sollie
Culver	Henley	Moorer	Stewart (Bibb)
Embry	Henson	Norman	Stewart (Calhoun)
Fanning	Hodgson	Odom	Thompson (Etowah)
Ferrell	Holcombe	Parker	Thompson (Jackson)
Fite	Howard	Patterson	Tiller
Forman	Howze	Pickens	Ware
Gaines	Kilborn	Poole	Mrs. Wilkins

—60

S. 237. To authorize courts of county commissioners, Boards of Revenue or other courts of like jurisdiction of all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken, to work county convicts anywhere in this State; to authorize the governing bodies of said counties to employ the necessary guards to prevent the escape of convicts, and to procure medical treatment for convicts so employed, and to purchase the necessary cells equipment, and to acquire by lease or purchase lands or other property, real or personal, necessary to carry out the provisions of this Act; and to provide that the net proceeds derived from the working of said convicts shall be used for working, grading, building, and maintaining the public roads and bridges of said counties.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Graves	Lee	Sanders (Pike)
Byars	Grove	LeMaistre	Sessions
Calloway	Guy	Letson	Smith (Clay)
Cato	Hall	Long	Smith (Jefferson)
Christian	Hatter	Love	Smith (Lee)
Culver	Henley	Luck	Snodgrass
Fanning	Henson	McDaniel	Sollie
Ferrell	Hodgson	McGowen	Stewart (Bibb)
Fite	Holcombe	Melton	Stewart (Calhoun)
Forman	Hornsby	Norman	Thompson (Etowah)
Glenn	Howard	Pickens	Thompson (Jackson)
Glenn	Howze	Ringer	Tunstall
Glover	Jeter	Rountree	Varner
Goode	Jones	St. John	Verner
Goodwyn	Kilpatrick	Sanders (Conecuh)	Mrs. Wilkins

—60

S. 302. To provide how fraternal societies organized under the laws of this State may consolidate, merge or reinsure its insurance risks, with any other fraternal benefit society, or assume or reinsure the risks of any other fraternal benefit society, and to provide penalties for the violation of the provisions hereof.

Was read a third time at length and passed.

Yeas, 58; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Elliott	Hornsby	Parker
Adcock	Ferrell	Howard	Pickens
Arrington	Forman	Jeter	Poole
Ashcraft (Lauderdl.)	Gaines	Jones	Posey
Bealle	Glenn	Lee	Powell
Bowen, Lewis	Glover	Letson	Ringer
Bowen, L. K.	Goodwyn	Long	Tiller
Boykin	Graves	Love	Tyson
Burns	Grove	Luck	Varner
Burton	Guy	Melton	Verner
Byars	Hall	Mooneyham	Wall
Cato	Hatter	Moorer	Walton
Christian	Henley	Moxley	Ware
Culver	Henson	Odom	Young
Dickinson	Hodgson		

—58

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bills and returns same herewith to the House:

H. 700. To propose an amendment to the Constitution of Alabama permitting certain school districts in Lawrence County, Alabama, to levy and collect for school purposes a tax of five mills in addition to all taxes now authorized.

H. 679. To amend section three of an Act entitled "An Act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensation," approved September 25th, 1915.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Byars the House concurred in and adopted the Senate amendment to the bill H. 700, said Senate amendment being as follows:

Amend House bill No. 700 by striking out the word "District" where it appears in the 7th line of the 2nd paragraph of Section one and adding in lieu thereof the following: "Districts or paying for school buildings already built."

Yeas, 70; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Forman	Lee	Ringer
Arrington	Gaines	Letson	Rountree
Ashcraft (Fayette)	Glenn	Long	St. John
Ashcraft (Lauderdl.)	Goodwyn	Love	Sanders (Pike)
Bealle	Graves	Luck	Snodgrass
Bowen, Lewis	Grove	McDaniel	Sollie
Bowen, L. K.	Guy	McGowen	Stewart (Calhoun)
Boykin	Hall	Melton	Tyson
Burns	Hatter	Mooneyham	Varner
Burton	Henley	Norman	Verner
Byars	Henson	Odom	Walker
Cato	Hodgson	Parker	Wall
Culver	Hornsby	Patterson	Walton
Elliott	Howard	Pickens	Ware
Embry	Howze	Poole	Mrs. Wilkins
Fanning	Jones	Posey	Williams
Ferrell	Kilborn	Powell	Young
Fite	Kilpatrick		

—70

On motion of Mr. Luck the House concurred in and adopted the Senate amendment to the bill H. 679, said Senate amendment being as follows:

Substitute for H. B. No. 679:

A BILL.

To be entitled an Act to amend Section 3 of an Act entitled "An Act to provide for the election of a solicitor for each Judicial

Circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors; prescribe their duties and authority, and fix their compensation." Approved September 25, 1915.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 3 of an Act entitled "An Act to provide for the election of a Solicitor for each Judicial Circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensation," approved September 25, 1915, be amended so as to read as follows:

Section 3. Every solicitor elected under the provisions of this Act shall perform all such duties and exercise all such powers as may be prescribed by law, and receive an annual salary of Three Thousand Six Hundred Dollars (\$3,600.00), payable monthly out of the State Treasury; provided, that in circuits that are composed of only one county, in which there are two and not more than five judges, the salary of said circuit solicitor shall be Fifty-Seven Hundred Dollars (\$5700.00) per annum, thirty-six hundred dollars of which shall be paid out of the State Treasury, as other circuit solicitors are paid, and the remainder shall be paid out of the county treasury of such county, in equal monthly installments, on the warrant of such solicitor. Provided, however, that in circuits that are composed of only one county in which there are five or more circuit judges the salary of the Circuit Solicitor shall be Six Thousand Dollars per annum. Thirty-Six Hundred Dollars of which shall be paid out of the State Treasury as other Circuit Solicitors are paid and the remainder to be paid out of the County Treasury of such county in equal monthly installments on the warrant of such solicitor.

Provided that this Act shall not go into effect until the first Monday after the second Tuesday in January 1927.

Yeas, 42; nays, 13.

Yeas:

Messrs:

Mr. Speaker Dunwoody
Arrington Embry
Ashcraft (Fayette) Ferrell
Ashcraft (Lauderdale) Fite
Bealle Goodwyn
Bowen, L. K. Graves
Boykin Grovc
Calloway Hatter
Christian Henson
Culver Holcombe
Dickinson Hornsby

Howard
Howze
Jeter
Letson
Luck
McGowen
Mooneyham
Norman
Patterson
Posey

Powell
Sanders (Pike)
Stewart (Calhoun)
Thompson (Jackson)
Tunstall
Walker
Wall
Walton
Mrs. Wilkins
Young

Adcock
Bowen, Lewis
Glover
Guy

Kilborn
Long
McDaniel

Moxley
Snodgrass
Sollie

Stewart (Bibb)
Thompson (Etowah)
Ware

—13

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill :

S. 417. To authorize and provide a fund to be known as the State Insurance Fund which is to be carried by the State Treasurer for the purpose of insuring against loss by fire or tornado all State-owned buildings or buildings in which the State has appropriated monies for the erection or equipment thereof, or which may have been deeded to the State, and all property equipment, furniture and fixtures or supplies belonging to or stored in such buildings and any and all properties of such nature as may be acquired by the State, and to this end to establish a basis for assessment and collection of premiums, to provide for a sinking fund with which to pay losses, to provide an emergency appropriation to be used only in case of loss by fire or tornado in excess of collection of premiums, to provide for a division of the State's property into groups, to provide for return of surplus for maintenance purposes, to provide for inspection and valuation of State property and promulgate rules and regulations necessary for the operation of the Act.

Said Governor's message containing the proposed amendment being in the following words and figures :

MESSAGE TO THE SENATE.

I herewith return you Senate Bill No. 417, and suggest the following amendment :

At the end of Section 16 of the bill add the following proviso :

Provided, that nothing in this Act shall prevent the extending or renewing of any insurance policy or contract until sufficient funds are accumulated under the Act to carry adequate insurance in accordance with the provisions of the Act.

With this amendment, the bill will meet my approval.

(Signed) Wm. W. Brandon,
Governor of Alabama.

September 28, 1923.

And the Senate has concurred in and adopted the amendment proposed by the Governor to said bill by a vote of a majority of the whole number elected to the Senate; said vote being : Yeas 25, nays 0.

And said bill, S. 417, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number

elected to the Senate; said vote on the passage of said bill as amended, being: Yeas 23, nays 0.

And said bill, together with the Governor's message containing the proposed amendment, is herewith sent to the House for its consideration.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the amendment proposed by the Governor to the bill, S. 417; said Governor's amendment being set out in the above and foregoing message from the Senate.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Goodwyn	Melton	Smith (Jefferson)
Adcock	Grove	Mooneyham	Smith (Lee)
Ashcraft (Fayette)	Guy	Moorer	Stewart (Bibb)
Ashcraft (Lauderd ¹)	Hall	Norman	Stewart (Calhoun)
Bealle	Henley	Odom	Thompson (Etowah)
Boykin	Hodgson	Parker	Thompson (Jackson)
Burns	Howard	Pickens	Varner
Calloway	Jeter	Poole	Verner
Culver	Jones	Posey	Walker
Embry	Letson	Powell	Wall
Fanning	Long	Ringer	Walton
Ferrell	Love	Rountree	Ware
Forman	Luck	Sanders (Conecuh)	Mrs. Wilkins
Glenn	McDaniel	Sanders (Pike)	Williams
Glover	McGowen	Smith (Clay)	Young

—60

Which was a majority of the whole number elected to the House.

And the bill,

S. 417. To authorize and provide a fund to be known as the State Insurance Fund which is to be carried by the State Treasurer for the purpose of insuring against loss by fire or tornado all state owned buildings or buildings in which the state has appropriated monies for the erection or equipment thereof, or which may have been deeded to the state, and all property equipment, furniture and fixtures or supplies belonging to or stored in such buildings and any and all properties of such nature as may be acquired by the state, and to this end to establish a basis for assessment and collection of premiums, to provide for a sinking fund with which to pay losses, to provide an emergency appropriation to be used only in case of loss by fire or tornado in excess of collection

of premiums, to provide for a division of the state's property into groups, to provide for return of surplus for maintenance purposes, to provide for inspection and valuation of state property and promulgate rules and regulations necessary for the operation of the Act.

As amended by the Governor, was again read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Jones	Powell
Adcock	Forman	Lee	Ringer
Allen	Gaines	Letson	Rountree
Ashcraft (Fayette)	Goodwyn	Long	St. John
Ashcraft (Lauderd ^l)	Graves	Love	Sollie
Bowen, Lewis	Guy	Luck	Tiller
Bowen, L. K.	Hall	McGowen	Tunstall
Boykin	Hatter	Mooneyham	Varner
Burns	Henley	Moorer	Verner
Byars	Henson	Moxley	Walker
Calloway	Hodgson	Odom	Wall
Cato	Hornsby	Parker	Walton
Cook	Howard	Pickens	Ware
Dickinson	Howze	Poole	Williams
Elliott	Jeter	Posey	Young

—60

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE GOVERNOR.

Message to the House:

Gentlemen: I herewith return you House Bill No. 762, relative to dividing Montgomery County into revenue districts, without my approval.

At the request of the Representatives and Senator from Montgomery County I suggest the following amendment:

Strike from section one of the bill the following words and figures, to-wit:

"McGehee's (9), Pike Road (17)." Insert after the words "embraced in precincts known as Porter's (12)" and before the words "Pine Level (13)" the words "Pike Road (17);" insert after the words "Precincts known as Kellough's (10)" and before the words "Robinson's Cross Roads (11)" the words "McGehee's (9)."

With this amendment the bill will meet my approval.

Respectfully submitted,

Wm. W. Brandon,
Governor.

September 28, 1923.

GOVERNOR'S MESSAGE.

The House concurred in and adopted the amendment proposed by the Governor to the bill, H. 762, said Governor's amend-

ment being set out in the above and foregoing message from the Governor.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Gaines	Letson	Powell
Allen	Glenn	Long	Ringer
Arrington	Glover	Love	Rountree
Boykin	Goode	Luck	St. John
Burns	Goodwyn	McDaniel	Snodgrass
Burton	Graves	McGowen	Sollie
Byars	Grove	Melton	Tiller
Calloway	Guy	Moorer	Tyson
Cato	Hall	Norman	Varner
Dunwoody	Hatter	Odom	Wall
Elliott	Howard	Parker	Walton
Embry	Howze	Patterson	Ware
Ferrell	Jeter	Pickens	Mrs. Wilkins
Fite	Jones	Poole	Williams
Forman	Lee	Posey	Young

—60

Which was a majority of the whole number elected to the House.

And the bill,

H. 762. To amend sections one, two and three of an Act: "To divide Montgomery County into three revenue districts; make the members of the Board of Revenue elective by districts, fix their term of office; prescribe their qualifications; to provide for the appointment of members of said board until the next general election; to prescribe the method of filling vacancies; provide a clerk for said board, fix his salary and prescribe his duties." Approved February 28th, 1907.

As amended by the Governor, was again read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Mr. Speaker	Glenn	Long	Ringer
Allen	Glover	Love	Rountree
Arrington	Goode	Luck	St. John
Boykin	Goodwyn	McDaniel	Snodgrass
Burns	Graves	McGowen	Sollie
Burton	Grove	Melton	Tiller
Byars	Guy	Moorer	Tyson
Calloway	Hall	Norman	Varner
Cato	Hatter	Odom	Walker
Dunwoody	Howard	Parker	Wall
Elliott	Howze	Patterson	Walton
Embry	Jeter	Pickens	Ware
Ferrell	Jones	Poole	Mrs. Wilkins
Fite	Lee	Posey	Williams
Forman	Letson	Powell	Young
Gaines			

—60

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE GOVERNOR.

Message to the House:

Gentlemen: I herewith return you House Bill No. 901, to create the office of an additional Judge of the Circuit Court in all circuits having a city with a population of more than one hundred thousand without my approval.

I doubt the constitutionality of the bill but I yield my judgment on this point to that of the Legislature. I suggest, however, the following amendment:

Amend the bill by striking out Section 6 of the bill and inserting in lieu thereof the following:

"Section 6. In no event shall the salary, or any part of the salary, of such additional judge be a claim or demand against the State or the State Treasury, and no part of the salary of such additional judge shall be paid out of the State Treasury until the amount equal thereto has first been paid into the State Treasury for the purpose of the payment of the salary, or part thereof, of said additional judge, as is authorized and provided for in Section 5 of this bill."

Respectfully submitted,

Wm. W. Brandon,
Governor.

September 28, 1923.

GOVERNOR'S MESSAGE.

The House concurred in and adopted the amendment proposed by the Governor to the bill, H. 901, said Governor's amendment being set out in the above and foregoing message from the Governor.

Yeas, 60; nays, 0.

Yeas:

Mr. Speaker	Forman	Hornsby	Poole
Adcock	Gaines	Howard	Posev
Allen	Glenn	Howze	Powell
Bowen, Lewis	Glover	Jeter	Ringer
Bowen, L. K.	Goode	Jones	Rountree
Boykin	Goodwyn	Kilborn	Tiller
Burns	Graves	Kilpatrick	Tunstall
Burton	Grove	Lee	Tyson
Byars	Guy	Moorer	Varnier
Calloway	Hall	Moxley	Verner
Cato	Hatter	Norman	Walker
Culver	Henley	Odum	Wall
Fanning	Henson	Parker	Walton
Ferrell	Hodgson	Patterson	Ware
Fite	Holcombe	Pickens	Young

—60

Which was a majority of the whole number elected to the House.

And the bill,

H. 901. To create the office of an additional Judge of the Circuit Court in all Circuits now or hereafter having a city with a population of more than one hundred thousand, according to the last or any subsequent Federal census; to provide for the powers, jurisdiction, authority and duties, salary and manner of payment of salary of such additional judge and to provide that the largest city in such circuit shall pay into the state and county treasury an amount equal to the salary of such judge.

As amended by the Governor, was again read a third time at length and passed.

~~Yeas, 60; nays, 0.~~

Yeas:

Messrs:

Mr. Speaker	Forman	Hornsby	Posey
Adcock	Gaines	Howard	Powell
Allen	Glenn	Howze	Ringer
Bowen, Lewis	Glover	Jeter	Rountree
Bowen, L. K.	Goode	Jones	St. John
Boykin	Goodwyn	Kilborn	Tiller
Burns	Graves	Kilpatrick	Tunstall
Burton	Grove	Lee	Tyson
Byars	Guy	Moorer	Varner
Calloway	Hall	Norman	Verner
Cato	Hatter	Odom	Walker
Culver	Henley	Parker	Wall
Fanning	Henson	Patterson	Walton
Ferrell	Hodgson	Pickens	Ware
Fite	Holcombe	Poole	Young

—60

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

S. 191. Providing for the execution of convicts, condemned to death, by electrocution; prescribing the procedure in such cases; providing the means for accomplishing the purposes of this Act; and repealing all laws or parts of law in conflict herewith.

Said Governor's message containing the proposed amendment being in the following words and figures, to-wit:

Message to the Senate:

Gentlemen: I herewith return to you Senate Bill No. 191, which provides for the execution of convicts condemned to death by electrocution, without my approval.

The present financial condition of the State will not permit the carrying into effect of the provisions of this Act immediately, nor until there is an appropriation adequate to pay for the expense of carrying it into effect. I suggest the following amendment to the bill:

Amend the bill by striking out Section II of the bill and inserting in lieu thereof the following:

"Section II. On or before the first day of October, 1926, the Board of Convict Supervisors shall begin the construction of such necessary room or building as may be required to carry out the provisions of this Act, and shall continue such construction until said room or building is completed; and said Board of Convict Supervisors shall also, on or before said 1st day of October, 1926, contract for the purchase of such necessary appliances as may be required to carry out the provisions of this Act; and when the execution of a person sentenced to the punishment of death is set for a day subsequent to the last day of February, 1927, the execution of such sentence must be as provided in this Act; but when the execution of such sentence is set for a day prior to the 1st day of March, 1927, the execution of such sentence must be as now provided by Article 7 of Chapter 278 of the Code of 1907."

With this amendment, it will meet with my approval.

Respectfully submitted,

Wm. W. Brandon,
Governor.

Sept. 28, 1923.

And the Senate has concurred in and adopted the amendment proposed by the Governor to said bill by a vote of the whole number elected to the Senate; said vote being: Yeas 25, nays 0.

And said bill as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a majority of the whole number elected to the Senate; said vote being: Yeas 25, nays 0.

And said bill with the Governor's message is herewith sent to the House for its consideration.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the amendment proposed by the Governor to the bill, S. 191, said Governor's amendment being set out in the above and foregoing message from the Senate.

Yeas 60, nays 0.

Yeas:

Messrs:

Mr. Speaker
Ashcraft (Fayette)
Ashcraft (Lauderdale)
Bealle
Bowen, Lewis
Bowen, L. K.
Cato
Culver

Elliott
Embry
Ferrell
Fite
Forman
Gaines
Goode
Goodwyn

Graves
Grove
Guy
Hall
Hatter
Henley
Henson
Hodgson

Holcombe
Hornsby
Howard
Jeter
Jones
Kilborn
Kilpatrick
Lee

Letson	Poole	Sanders (Pike)	Tunstall
Long	Posey	Sessions	Tyson
Love	Powell	Smith (Clay)	Walker
Luck	Ringer	Smith (Lee)	Wall
Norman	Rountree	Snodgrass	Walton
Odom	St. John	Sollie	Ware
Parker	Sanders (Conecuh)	Tiller	Young

—60

Which was a majority of the whole number elected to the House.

And the bill,

S. 191. Providing for the execution of convicts condemned to death, by electrocution; prescribing the procedure in such cases; providing the means for accomplishing the purposes of this Act; and repealing all laws or parts of law in conflict herewith.

Was again read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Goodwyn	Kilpatrick	Sanders (Conecuh)
Ashcraft (Fayette)	Graves	Lee	Sanders (Pike)
Ashcraft (Lauderdl.)	Grove	Letson	Sessions
Bealle	Guy	Long	Smith (Clay)
Bowen, Lewis	Hall	Love	Smith (Lee)
Bowen, L. K.	Hatter	Luck	Snodgrass
Cato	Henley	Norman	Sollie
Culver	Henson	Odom	Tiller
Elliott	Hodgson	Parker	Tunstall
Embry	Holcombe	Poole	Tyson
Ferrell	Hornsby	Posey	Walker
Fite	Howard	Powell	Wall
Forman	Jeter	Ringer	Walton
Gaines	Jones	Rountree	Ware
Goode	Kilborn	St. John	Young

—60

RECESS.

The hour of one o'clock having arrived the House recessed until 3 P. M.

AFTERNOON SESSION.

The hour of three o'clock having arrived, the House reconvened.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 377. To provide appropriations for the Alabama School of Trades and Industries.

S. 284. To amend Section 1217 of the Code of Alabama, of 1907, relating to appeals from recorders' courts.

S. 308. To provide for the payment of court costs in cases in which the condemnation and forfeiture of conveyance and vehicles of transportation on account of being used in the transportation of prohibited liquors or beverages of any kind is sought, and in which a decree shall be rendered against the State.

S. 490. To amend an Act entitled an Act to provide for the payment of claims against the fine and forfeiture fund of Tuscaloosa county, approved February 23, 1899, so that the same will read as follows:

S. 316. To amend Section 1946 of the Code of Alabama of 1907, as amended by an Act of the Legislature of Alabama, approved September 30th, 1919.

S. 113. To amend an Act entitled an Act "To provide for the establishment and maintenance of a home for mental inferiors in Alabama; to define who are mental inferiors; to provide for their care, treatment and training, and to appropriate the money necessary therefor from the State Treasury," approved Sept. 29, 1919.

S. 165. To provide for the protection of child-caring agencies and institutions in maintaining custody and control of dependent and orphan children lawfully committed to their care, and to provide for punishment for interference with such custody and control.

S. 473. To amend Section 6572 of the Code of Alabama.

S. 149. To amend an Act entitled "An Act to promote the sale of farm loan bonds issued by the Federal Land Banks organized under the provisions of the Farm Loan Act" approved September 17, 1919.

S. 358. To provide for the relief of Arthur Greenwood, Spiro Greenwood, and Harry Greenwood, partners doing business under the style and firm name of Greenwood Cafe.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1058. To provide that no person who has successfully passed an examination for a Mobile Bay and Bar Pilot, or either, shall be required to undergo or pass another examination before being entitled to his license or status as a Mobile Bay and Bar Pilot, notwithstanding the board or commission under which said person was examined has been abolished.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the Senate amendment to the bill H. 1058, said Senate amendment being as follows:
Substitute for H. B. No. 1058:

A BILL.

To be entitled an Act to provide that no apprentice pilot who has successfully passed an examination for a Mobile Bay and Bar Pilot, shall be required to undergo or pass another examination before being entitled to his license or status as a Mobile Bay and Bar Pilot, notwithstanding the Board or Commission under which said person was examined has been abolished.

Be it enacted by the Legislature of Alabama:

Section 1. That no apprentice pilot who has successfully passed an examination for a Mobile Bay and Bar Pilot, shall be required to undergo or pass another examination before being entitled to his license or status as a Mobile Bay and Bar Pilot, notwithstanding the Board or Commission under which said person was examined has been abolished.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its becoming a law under the Constitution of Alabama without the Governor's approval.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adeock

Allen

Ashcraft (Fayette)

Ashcraft (Lauderd'l)

Bealle

Burns

Burton

Byars

Cato

Culver

Dickinson

Dunwoody

Embry

Fanning

Gaines

Goode

Goodwyn

Graves

Grove

Hall	Kilpatrick	Parker	Thompson (Jackson)
Hatter	Lee	Patterson	Tiller
Henley	Letson	Pickens	Tyson
Hodgson	Love	Ringer	Verner
Holcombe	Luck	Rountree	Wall
Hornsby	McDaniel	Smith (Clay)	Walton
Howard	McGowen	Smith (Lee)	Ware
Howze	Mooneyham	Snodgrass	Mrs. Wilkins
Jones	Moorer	Stewart (Calhoun)	Williams
Kilborn	Odum	Thompson (Etowah)	Young

—60

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 527. To limit the amount of licenses or license tax to be paid by fire insurance companies to municipalities, having a population of less than 100,000, according to the last preceding Federal census including payments or contributions required to be made to any firemen's compensation or relief funds in such municipalities.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 762. To amend sections one, two and three of an Act: "To divide Montgomery county into three revenue districts; make the members of the board of revenue elective by districts, fix their term of office; prescribe their qualifications; to provide for the appointment of members of said board until the next general election; to prescribe the method of filling vacancies; provide a clerk for said board, fix his salary and prescribe his duties." Approved February 28th, 1907.

By a vote of a majority of the whole number elected to the Senate; said vote being: Yeas 24, nays 0.

And said bill as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote on the passage of said bill as amended being: Yeas 24, nays 0.

And said bill with the Governor's message is herewith returned to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 1005. To make appropriation for the ordinary expenses of the offices of the Governor, the Attorney General, the Judiciary Department, and the interest on the public debt, the State Security Commission, the Public Service Commission and the Department of Archives and History.

By a vote of a majority of the whole number elected to the Senate; said vote being: Yeas 19, nays 0.

And said bill as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote on the passage of said bill as amended being: Yeas 22, nays 0.

And said bill with the Governor's message is herewith returned to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 552. To prescribe the qualifications of persons who may hold the office of county superintendents of education in the several counties of the State; to regulate the employment or election of county superintendents of education, and to prescribe penalties for the violation of the provisions of this Act.

By a vote of a majority of the whole number elected to the Senate; said vote being: Yeas 21, nays 0.

And said bill as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote on the passage of the bill as amended being: Yeas 21, nays 0.

And said bill with the Governor's message is herewith returned to the House.

J. E. Speight,
Secretary.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker :

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 679. To amend section three of an Act entitled "An Act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe

their duties and authority, and fix their compensation," approved September 25th, 1915.

Also:

H. 700. To proposed an amendment to the Constitution of Alabama permitting certain school districts in Lawrence county, Alabama, to levy and collect for school purposes a tax of five mills in addition to all taxes now authorized.

Also:

H. 110. To permit purchaser, mortgagee or lien holder to pay proportionate or ratable amount of taxes on real estate sold to him or subject to his mortgage or lien in certain cases, without paying entire taxes which are a lien upon such property.

Also:

H. 958. To repeal an Act entitled an Act: "To prevent the spread of tuberculosis by the creation of a tuberculosis commission, to provide for its organization and work, and to authorize the erection and maintenance of local hospitals under its supervision," approved September 22, 1915.

Also:

H. 510. To amend "An Act to regulate inferior courts in cities having more than thirty-five thousand population, according to the last Federal census, or any subsequent Federal census, to prescribe the jurisdiction of such courts and provide for the number and compensation of the judges for said courts, and to provide for the appointment and compensation of the clerks, assistant clerks, bailiffs and other officers thereof, and to abolish the office of the Justice of the Peace in said cities."

Also:

H. 860. To designate a certain public road of Alabama as a State trunk road and to provide for the location thereof and the manner in which said road shall be located, improved and maintained.

Also:

H. 552. To prescribe the qualifications of persons who may hold the office of county superintendents of education in the several counties of the State; to regulate the employment or election of county superintendents of education, and to prescribe penalties for the violation of the provisions of this Act.

Also:

H. 527. To limit the amount of licenses or license tax to be paid by fire insurance companies to municipalities, having a population of less than 100,000, according to the last preceding Federal census including payments or contributions required to be made to any firemen's compensation or relief funds in such municipalities.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

SPECIAL REPORT.

The following Special Report was filed and ordered spread upon the Journal:

STATE OF ALABAMA

BOARD OF CONVICT SUPERVISORS

Montgomery, September 28, 1923.

To the Legislature of Alabama:

In answer and response to your joint resolution this day forwarded to us, which resolution is as follows:

"Be it resolved by the Senate, the House concurring, that the State Board of Convict Supervisors be and it is hereby requested forthwith to report to the Senate and House what is shown by the records of said Board during the last four preceding administrations as to mutinous insurrections or insubordination among convicts, and what measures were adopted to repress or suppress or quell the same to maintain discipline and punish offenders."

We beg leave to answer and report as follows:

We regret to report that prior to August 1918 we do not find on file in our offices the records of punishment or mutinous insurrection. Our information is that these records were kept at the respective prisons and are not now available.

We attach hereto copy of punishment report for Banner Prison for the month of December, 1920, which we have marked Exhibit "A." This report shows that three convicts were whipped on December 1, 1920 for "cursing of men on strike," the whippings being administered by the chaplain of the convict department. On December 3rd two, and on December 6th five convicts were whipped by the warden at Banner Prison for "coming out on strike."

Exhibit "B" hereto attached, is a report on the punishment administered at Speigner Prison in March 1922. This report shows that on March 17th, 1922, a total of 26 convicts were whipped for "strike in mill and insubordination."

Attached hereto and marked Exhibit "C" is a list showing the number of convicts on hand by months for each month from August 1918 to July 1922, together with the number of corporal punishments administered each month.

Included in the punishment administered from August 1918 to July 1922, a total of six whippings was administered to white women convicts of the penitentiary.

Also attached and marked Exhibit "D" is a recapitulation from July 1918 to July 1922.

Respectfully submitted,
State Board of Convict Supervisors,
By L. A. Boyd, President.

EXHIBIT "A"

PUNISHMENT RECORD REPORT FOR BANNER PRISON FOR MONTH ENDING DECEMBER, 1920.

Date	Name and Serial No.	County	No. Lashes	Offense	Remarks
1920					
12-					
1	Clarence Bailey	7986 Elmore	10	Cursing of men on strike	J. C. Harrison.
1	Dannie Clenny	Madison	15	Cursing of men on strike	J. C. Harrison.
1	Jake Henderson	7974 Jefferson	12	Cursing of men on strike	J. C. Harrison.
3	Joe Forbes	6690 Mobile	13	Not working	W. A. Roberson.
3	Clarence Bailey	7986 Elmore	14	Coming out on strike	G. K. Fountain.
3	Russell Shouse	1902 Montgomery	15	Coming out on strike	G. K. Fountain.
6	Cecil Thompson	7462 Lauderdale	15	Coming out on strike	G. K. Fountain.
6	Herbert Shouse	7492 Russell	15	Coming out on strike	G. K. Fountain.
6	Dan Clenny	Madison	15	Coming out on strike	G. K. Fountain.
6	Robert Blanchard	7959 Mobile	15	Coming out on strike	G. K. Fountain.
6	Gordon Tugger	6136 Jefferson	15	Coming out on strike	G. K. Fountain.
6	Andrew Jenkins	6935 Jefferson	12	Fighting	G. K. Fountain.
11	Elonza Small	6618 Mobile	10	Not working	G. K. Fountain.
11	Current Morris	7522 Colbert	10	Not working	W. A. Robison.
14	Jo. E. Merawether	1089 Tuscaloosa	8	Not working	W. A. Robison.
14	Simon Jones	3249 Butler	8	Not working	W. A. Robison.
14	Jno. Hart	7537 Barbour	8	Not working	W. A. Robison.
14	Jno. Washington	7459 Montg'y	8	Not working	W. A. Robison.
14	Ben Webster	7005 Montg'y	8	Not working	W. A. Robison.
16	Will Garrett	1900 Talladega	14	Fighting	W. A. Robison.
16	Robert Russell	4056 Autauga	14	Fighting	G. K. Fountain.
28	Fred Jones	2059 Perry	10	Not loading task	G. K. Fountain.
28	Jno. Smith	4110 Tuscaloosa	6	Not loading task	G. K. Fountain.
29	Willie Brabham	7934 Montg'y	6	Loading rock	G. K. Fountain.
29	Joe Ganch	7807 Tuscaloosa	6	Loading rock	G. K. Fountain.
29	Fred Berry	Mobile	6	Loading rock	G. K. Fountain.
29	Geo. Durham	7942 Jefferson	6	Loading rock	G. K. Fountain.
29	Ed Hutcherson	6094 Marion	6	Loading rock	G. K. Fountain.
29	Jno. Wilkerson	4991 Cherokee	6	Loading rock	G. K. Fountain.
29	Charlie Sanders	7655 St. Clair	6	Not loading tasks	G. K. Fountain.

I hereby certify above is correct.
(Signed) G. K. Fountain, Warden.

EXHIBIT "B"

PUNISHMENT RECORD REPORT FOR SPEIGNER PRISON FOR MONTH ENDING MARCH, 1922.
Alabama Cotton Mill

Date	Name and Serial No.	County	No. Lashes	Offense	Remarks
1922 3-1	W. M. Lewis.....	9153 Covington	15	Attempting to escape.....	Present: Dr. F. A. Boswell, T. L. Tinsley, Warden Draper, Dan Golden.
8	Eugene Guthrie.....	6740 Jefferson	15	Copulating in mill	"
8	Alberta Barnes.....	W-262 Covington	15	Copulating in mill	"
11	Robert Young.....	6817 Jefferson	15	Copulating in mill	"
11	Annie Burks.....	W252 Mobile	15	Copulating in mill	"
13	Jack Howard.....	8323 Jackson	15	Cutting two convicts in mill	"
17	Dock Bailey.....	5546 Elmore	8	Strike in mill and insubordinat'n	"
17	Arthur Chesser.....	8361 Russell	15	Strike in mill and insubordinat'n	"
17	Leon Amerson.....	7913 Madison	12	Strike in mill and insubordinat'n	"
17	Jesse L. Simmons.....	7285 Montg'y	15	Strike in mill and insubordinat'n	"
17	John Long.....	9144 Geneva	12	Strike in mill and insubordinat'n	"
17	Spurgeon McItan.....	9267 Cullman	15	Strike in mill and insubordinat'n	"
17	John Stewart.....	8551 Baldwin	15	Strike in mill and insubordinat'n	"
17	George Davis.....	8161 Mobile	15	Strike in mill and insubordinat'n	"
17	Tell Grissom.....	9112 Franklin	12	Strike in mill and insubordinat'n	"
17	Eugene Guthrie.....	6740 Jefferson	15	Strike in mill and insubordinat'n	"
17	Joe Whitty.....	8243 Madison	15	Strike in mill and insubordinat'n	"
17	Claud Lane.....	7788 Tallapoosa	12	Strike in mill and insubordinat'n	"
17	Ray Nelson.....	7890 Mobile	12	Strike in mill and insubordinat'n	"
17	James Edwards.....	7640 Montg'y	15	Strike in mill and insubordinat'n	"
17	Jim Tom Moore.....	8450 Macon	12	Strike in mill and insubordinat'n	"
17	Julius Allred.....	9262 Cullman	12	Strike in mill and insubordinat'n	"
17	Henry Gentry.....	9043 Calhoun	15	Strike in mill and insubordinat'n	"
17	Emett Williams.....	8232 Etowah	10	Strike in mill and insubordinat'n	"

1922	Key Hendly	6042	Henry	8	Strike in mill and insubordina'n	"	"
3-17	Jake Wynn	8359	Russell	15	Strike in mill and insubordina'n	"	"
17	Jesse Jones	7471	Autanga	15	Strike in mill and insubordina'n	"	"
17	Eddie Erdman	9216	Mobile	8	Strike in mill and insubordina'n	"	"
17	Robert Davis	9054	Shelby	10	Strike in mill and insubordina'n	"	"
17	Robert Sapp	6140	Covington	15	Strike in mill and insubordina'n	"	"
17	Joe Deese	7927	Jefferson	15	Strike in mill and insubordina'n	"	"
17	Charlie Winnagle	5323	Tuscaloosa	15	Strike in mill and insubordina'n	"	"
22	Andrew Whitehead	7780	Perry	15	Smoking in mill	"	"

Speigner Prison

Date	Name and Serial No.	County	No. Lashes	Offense	Remarks
1922 3- 1	Howard Kinsey	7802 Lauderdale	12	Disobedience to officials	Present: Dan Golden, Dr. F. A. Boswell, W. E. Britt and T. L. Tinsley.
2	Fannie Malone	W-234 Madison	15	Having dirk in possession	"
3	Annie Kemp	W-238 Jefferson	15	Refusing to work	"
3	Henry Wilson	1594 Shelby	15	Having dirk and refusing to give it up	"
13	Gladdis Hooper	W-133 Lauderdale	15	Stealing shirt from sew'g room	"
14	Corrine McCrary	W-150 Jefferson	15	Fighting	"
14	Mattie Marbury	W-146 Coosa	15	Fighting	"
20	Joe Deese	7927 Jefferson	12	Disorderly conduct in din'g r'm	"
20	James Edwards	7640 Mont'gy	15	Disobeying orders and carrying out food	"
20	Judge Kindrick	902 Clay	10	Leaving his work	"
22	John Jackson	9404 Mont'gy	15	Escaping on March 21st	"

I hereby certify above is correct.
(Signed) Hamp Draper, Warden.

EXHIBIT C
CONVICTS WHIPPED—ALABAMA PENITENTIARY

Date.	Total Population.	No. Whipped.
August 1918	2465	149
September	2453	125
October	2380	121
November	2344	101
December	2299	128
January, 1919	2217	119
February	2208	146
March	2193	181
April	2188	108
May	2212	84
June	2250	84
July	2229	104
August	2230	111
September	2264	105
October	2295	99
November	2345	126
December	2331	97
January, 1920	2332	122
February	2321	97
March	2339	84
April	2350	71
May	2383	75
June	2353	73
July	2307	74
August	2310	73
September	2336	75
October	2389	58
November	2443	60
December	2450	72
January, 1921	2428	72
February	2460	60
March	2543	66
April	2652	82
May	2658	79
June	2690	64
July	2683	55
August	2690	65
September	2755	76
October	2862	57
November	2909	94
December	2925	85
January, 1922	2930	93
February	2951	80
March	2998	115
April	3051	77
May	3089	54
June	3084	50
July	3077	29
August	3057	0
September	3063	0
October	3097	0
November	3147	0
December	3172	0
January, 1923	3112	0

February	3072	0
March	3021	0
April	3029	0
May	2991	0
June	2953	0
July	2925	0
August	2886	0

EXHIBIT D

PUNISHMENTS—JULY, 1918, TO JULY, 1922

	Total Pun- ishments.	Punish- ments per Month.	Average Number of Prisoners per Month.
Eleven months ended June 30, 1919 (July 1918 not included)	1346	122	2291
Twelve months ended June 30, 1920	1164	97	2314
Twelve months ended June 30, 1921	835	69	2472
Twelve months ended June 30, 1922	901	75	2904

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 901. To create the office of an additional judge of the circuit court in all counties now or hereafter having a city with a population of more than one hundred thousand, according to the last or any subsequent Federal census, to provide for the powers, jurisdiction, authority and duties, salary and manner of payment of salary of such additional judge.

By a vote of a majority of the whole number elected to the Senate; said vote being: Yeas 24, nays 0.

And said bill as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote on the passage of said bill as amended being: Yeas 23, nays 0.

And said bill together with the Governor's message is herewith returned to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in the House amendment to the bills:

S. 367. To revise and amend Chapter 20 of the Code of 1907.

S. 326. To provide for the construction and operation of fish cultural stations in the State of Alabama; to provide for the acquisition of suitable areas in the name of the State; to provide for the administration and management of fish cultural stations; to provide for payment of employees; to provide for a fishing license, and for other purposes.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in the House amendment to the following Senate bills:

S. 55. To amend subdivision 5, of Section 3052 of the Code, relating to the jurisdiction of the equity courts.

S. 130. To repeal an Act entitled an Act, "To amend the title and sections one (1), three (3), four (4), fifteen (15) and 29, and paragraphs B and D of Section eight (8) of an act 'To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees the trustee of such fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the

penalty for failure to make such payment and report, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with the said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act', approved September 28, 1915". Approved February 17, 1919, in so far as the same applies to cities and towns having a population of less than 40,000 according to the last or any succeeding Federal census.

J. E. Speight,
Secretary.

MESSAGE FROM THE GOVERNOR.

Message to the House:

Gentlemen: I herewith return to you House Bill No. 589, making an appropriation to the Boys' Industrial School, without my approval.

It has been necessary to require all institutions of the State to operate on the same maintenance as was provided by the law for the fiscal year ending September 30, 1922. This bill provided an appropriation of Three Hundred Dollars (\$300.00) per year to each inmate of the Alabama Boys' Industrial School. The appropriations provided by this bill will exceed the appropriation formerly provided for this institution over \$22,000.00 a year, as the former law provided the sum of Two Hundred Forty Dollars (\$240.00) per year for each inmate.

Inasmuch as other similar institutions have been required to keep their appropriations at the same amount as provided during the fiscal year ending September 30, 1922, I do not feel that the exception should be made in this particular case, and, therefore, I propose the following amendment to the bill:

Amend the bill by substituting in lieu of the words "Three Hundred Dollars (\$300.00) per year" the words "Two Hundred and Forty Dollars (\$240.00) per year."

With this amendment the bill will meet my approval.

Respectfully submitted,

Wm. W. Brandon, Governor.

September 28, 1923.

GOVERNOR'S MESSAGE.

The House concurred in and adopted the amendment proposed by the Governor to the bill H. 589, said Governor's amendment being set out in the above and foregoing message from the Governor.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Jones	Pickens
Adcock	Ferrell	Kilborn	Powell
Ashcraft (Lauderd'l)	Forman	Lee	Ringer
Bealle	Gaines	Letson	Rountree
Blackwell	Graves	Love	St. John
Boykin	Grove	Luck	Sessions
Burns	Guy	McDaniel	Tiller
Burton	Hall	McGowen	Tunstall
Byars	Hatter	Melton	Walker
Cato	Henley	Moorer	Wall
Christian	Hodgson	Moxley	Walton
Cook	Hornsby	Norman	Ware
Culver	Howard	Odom	Mrs. Wilkins
Elliott	Howze	Parker	Williams
Embry	Jeter	Patterson	Young

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Which was a majority of the whole number elected to the House,

And the bill,

H. 589. To make appropriations to the Alabama Boys' Industrial School.

As amended by the amendment proposed by the Governor, was again read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Jones	Poole
Adcock	Fite	Kilborn	Powell
Allen	Goode	Lee	Ringer
Bealle	Goodwyn	Letson	Rountree
Boykin	Graves	Long	St. John
Burns	Grove	Love	Sessions
Burton	Guy	Luck	Snodgrass
Byars	Hall	McDaniel	Stewart (Calhoun)
Calloway	Hatter	Melton	Tiller
Cato	Henley	Moorer	Walker
Christian	Holcombe	Moxley	Wall
Cook	Hornsby	Norman	Walton
Culver	Howard	Odom	Ware
Elliott	Howze	Parker	Williams
Embry	Jeter	Pickens	Young

—60

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills and H. J. R. hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipt of the executive department for same.

Delivered to Governor September 28, 1923, at 10 A. M.

H. 669.

Also:

H. 603.

Also:

H. 1005.

Also:

H. 396.

Also:

H. 567.

Also:

H. 642.

Also:

H. 1016.

Also:

H. 930.

Also:

H. 853.

Also:

H. 891.

Also:

H. 800.

Also:

H. 964.

Also:

H. 724.

Also:

H. 395.

Also:

H. 374.

Also:

H. 482.

Also:

H. 241.

Also:

H. 343.

Also:

H. 831.

Also:

H. 524.

Also:

H. 1014.

Also:

H. 898.

Also:

H. 566.

Also:

H. 589.

Also:

H. 760.

Also:

H. 142.

Also:

H. 639.

Also:

H. 375.

Also:

H. 296.

Also:

H. 384.

Also:

H. 774.

Also:

H. 753.

Also:

H. 481.

Also:

H. 857.

Also:

H. 778.

Also:

H. 601.

Also:

H. 660.

Also:

H. 563.

Also:

H. J. R. 108.

Also:

H. 940.

Also:

H. 95.

Also:

H. 796.

Also:

H. 227.

Also:
H. 944.
Also:
H. 47.
Also:
H. 39.

J. H. Stewart,
Clerk.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bill hereinafter mentioned was delivered to the executive department on the date and hour named, and that I hold the receipt of the executive department for same.

Delivered to Governor September 28, 1923, 11 o'clock A. M.

H. 1027.

J. H. Stewart,
Clerk.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bill hereinafter mentioned was delivered to the executive department on the date and hour named, and that I hold the receipt of the executive department for same.

Delivered to Governor September 28, 1923 at 12 Noon.

H. 613.

J. H. Stewart,
Clerk.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bill hereinafter mentioned was delivered to the executive department on the date and hour named, and that I hold the receipt of the executive department for same.

Delivered to Governor Sept. 28, 1923, 12:05 o'clock P. M.

H. 552.

J. H. Stewart,
Clerk.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipt of the executive department for same.

Delivered to the Governor September 28, 1923 at 12:30 P. M.

H. 943.

Also:

H. 999.

Also:

H. 819.

Also:

H. 818.

J. H. Stewart,
Clerk.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipt of the executive department for same:

Delivered to the Governor September 28, 1923 at 3:50 P. M.

H. 748.

Also:

H. 518.

Also:

H. 489.

Also:

H. 314.

Also:

H. 874.

Also:

H. 617.

Also:

H. 1054.

Also:

H. 373.

Also:

H. 911.

Also:

H. 1050.

Also:

H. 1049.

Also:

H. 974.

Also:

H. 961.

Also:

H. 288.

Also:
H. 685.
Also:
H. 181.
Also:
H. 1036.
Also:
H. 1055.
Also:
H. 827.
Also:
H. 893.
Also:
H. 313.

J. H. Stewart,
Clerk.

RECESS.

On motion of Mr. Fite the House recessed until 8 o'clock tonight.

NIGHT SESSION.

The hour of 8 o'clock having arrived the House reconvened.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 589. To make appropriations to the Alabama Boys' Industrial School.

By a vote of a majority of the whole number elected to the Senate; said vote being: Yeas 24, nays 0.

And said bill as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote on the passage of said bill as amended being: Yeas 23, nays 0.

And said bill, together with the Governor's message, is herewith returned to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in the House amendment to the following Senate bill:

S. 400. To fix the compensation or salaries to be paid the judges of probate, sheriffs, tax collectors, tax assessors, and members of courts of county commissioners or boards of revenue and other courts of like jurisdiction in all counties in this State which now have or which may hereafter have a population of ~~seventy-five thousand people and less than ninety-five thousand~~ people according to the last Federal census or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same: To provide for the selection of clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such offices: And to require all of said officers to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said officers, as other moneys belonging to said counties are paid.

J. E. Speight,
Secretary.

REPORT OF COMMITTEE OF CONFERENCE.

We, the undersigned Committee of Conference heretofore appointed to report on substitute of House Bill No. 832, do beg to make our report as follows:

We recommend that substitute bill herewith attached shall be adopted and enacted in lieu of H. B. 832.

John Craft,
B. deG. Waddell,
Committee of Senate.
W. H. Holcombe,
E. J. Grove,
Vincent F. Kilborn,
Committee of House.

A BILL.

To be entitled an Act creating and establishing the Juvenile Court of Mobile County, defining its powers and jurisdiction and providing for the process and procedure of said Court; for the equipment of said Court, for the Judge and officers of said Court, their terms of office and their salaries, and defining their duties, and the payment by the Board of Revenue and Road Com-

missioners of Mobile County of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of the Probation Officers; for the service of process, including warrants, and the fees thereof and the payment of said fees; for the detention of juvenile delinquents; providing for a Commission to aid in carrying out the work of the Court and prescribing its duties; and providing for appeals from any final order or judgment of said Court; (making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency of any child sixteen years of age, or under, or produce, promote, or contribute to the conditions which may render any child delinquent, and providing the punishment therefor); providing for the transfer of certain cases to said Juvenile Court. Providing for the support and maintenance in certain cases of delinquent children by the Board of Revenue and Road Commissioners of Mobile County; providing for the apprehension of such children and the commitment of them to any family, association, or institution; for the transportation of such children and the payment of the costs by Mobile County; providing for the commitment of juvenile delinquents to any family, association or institution within the State to which they may be, respectively committed, and providing for the payment of the costs thereof by the Board of Revenue and Road Commissioners of Mobile County; providing for payment by the City of Mobile; of one-half of the expenses arising out of the operation of said Court; and for the protection of said children against any disqualification or prejudice in any other Court, or in the civil service of the State or municipality on account of any judgment or order of said Court, or any confession, statement, declaration or admission or silence or demeanor of said juvenile delinquents, or any statement made to any person or officer of the Court, and providing for the repeals of certain laws.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby established a new Court by the name of the Juvenile Court of Mobile County, which shall hold its sitting in the City of Mobile.

Section 2. There is hereby created a Juvenile Court Commission which shall be composed of seven resident citizens of said county, who shall be chosen on account of their known interest in, care, education and welfare of youths of both sexes, and who shall serve without compensation. The Board of Commissioners of the City of Mobile, shall appoint three members of said Board who shall hold office at the pleasure of said Board of City Commissioners, and the Board of Revenue and Road Commissioners of Mobile County shall appoint three members of the said Juvenile Court Commission, who shall hold office at the pleasure of

the said Board of Revenue and Road Commissioners. The six members of the Juvenile Court Commission thus appointed shall choose the seventh member of said Juvenile Court Commission, who shall hold office for two years, or until his successor shall be chosen. Women shall be eligible to membership on said Juvenile Court Commission. A majority of the members of said Juvenile Court Commission shall constitute a quorum. Said Commission shall annually choose its President, Vice-President, Secretary and Treasurer, who shall hold office until their respective successors have been elected and qualified. The term of the Juvenile Court Commission shall be two years.

The Secretary shall record its proceedings, and its officers shall perform the usual duties indicated by their titles. Said Juvenile Court Commission shall perform amongst others the following duties: (A) They shall elect the superintendents, matrons, and other employees of the detention homes provided for by local statutes for Mobile County or City, or general laws. (B) And they shall exercise such powers and duties as may be now or hereafter imposed by law, and such as are necessary or proper for performing the functions above stated.

But they shall not any of them preside over the court or be its clerk or other officers except as above stated.

Sec. 3. Said Juvenile Court within the boundaries of said county shall have original and exclusive jurisdiction over all cases coming within the terms and purview of this Act. It shall adjudicate and determine all cases of children sixteen years of age, or under, providing they are delinquent within the meaning of this Act. Said court shall not have jurisdiction over cases of non-support of wife by the husband where such couple have no minor children.

Sec. 4. Said Juvenile Court shall be presided over by a judge who must not be under twenty-five years of age, and learned in law, and shall during his tenure reside in said county, and lose the office on removal of residence therefrom. A vacancy in his office shall be filled by the Juvenile Court Commission. His term shall be two years and until his successor is elected and qualified. The judge presiding at the time of the approval of this Act shall hold office until expiration of the term for which he was elected. He may practice law in so far as it does not interfere with his duties as a judge, but not in any case or matter that arose in said Juvenile Court. His salary shall be fixed by the Juvenile Court Commission, upon his election, at not less than \$100.00 per month, and not more than \$200.00 per month, payable in monthly installments out of the treasury of said county. But if said salary should be fixed at more than \$100.00 per month, it shall only become effective when it is ap-

proved by the Board of Revenue and Road Commissioners of Mobile County, and the Board of Commissioners of the City of Mobile.

Sec. 5. There shall be a clerk of said court, who shall administer oaths, issue process and writs from the court and papers from the judge, file and keep all books, records, papers, and other property pertaining to the court, prepare papers for appeals from the court; and perform all other duties in connection with the court or judge as the court or judge may from time to time prescribe or require of him, and he shall be and remain under the supervision and direction of the judge and obey all his instructions. The clerk shall be appointed by the judge and hold office at the will of the judge appointing him and hold during said judge's tenure. The clerk may be a woman. The clerk shall be paid a salary of not more than \$100.00 per month or at the rate for the time he or she serves, said salary to be fixed subject to approval of Board of Revenue and Road Commissioners and Board of Commissioners of City of Mobile. Before entering upon his duty the clerk shall execute bond with such surety as the judge may prescribe, in a penalty of \$1000.00, One Thousand Dollars, payable to said county with condition to faithfully discharge the duties of clerk during incumbency and to properly account for all money or property that may come into his hands as clerk, and conditioned otherwise as may be prescribed by the judge, who shall approve the bond and deliver it to the county treasurer for safe keeping. Suits may be brought upon it by any one aggrieved by its breach, until its penalty is exhausted. All necessary original and renewal premiums on the clerk's bond shall be paid by the county.

Sec. 6. The judge of said Juvenile Court shall be elected by the Juvenile Court Commission provided for in this Act. He shall name the clerks and all officers employed and servants of said court and the clerk and all such officers, employees, and servants, shall hold their places at the will of the judge of said court. There shall be a chief probation officer and a colored probation officer who shall be under the supervision of the chief probation officer, and as many others to be determined by the Juvenile Court Commission, but subject to the approval of the said Board of Revenue and Road Commissioners, and said Board of Commissioners of the City of Mobile, as may be necessary or proper, in order to perform the duties made necessary by the business of the court. They may be men or women and their salaries shall be fixed by the Juvenile Court Commission; subject, however, to approval of said Board of Revenue and Road Commissioners, and said Board of Commissioners of the City of Mobile, and all salaries shall be paid out of the county treas-

ury. The chief probation officer shall be paid not more than \$150.00 per month, payable in monthly installments out of the treasury of Mobile County, and at the same rate for a fraction of a month of service. The humane officer of Mobile County shall be appointed by the judge of said juvenile court as one of the probation officers.

Sec. 7. The Revenue and Road Commissioners, or whatever name they may be known by of said county shall provide suitable quarters for the use of Juvenile Court and all such fittings and furniture and paraphernalia, books, stationery, cabinet files and ~~equipment and other facilities as are reasonably necessary or~~ proper for carrying out the purposes and provisions of this Act.

Sec. 8. The judge shall have authority to devise or adopt and cause to be used for all such forms and records, blanks and stationery, process, writs, and petitions and other documents as he may deem convenient and proper for transaction of the court's business.

Sec. 9. The judge shall have power to make and enforce rules and regulations for controlling and governing the officers, employees, and the procedure of the court. And so may the Juvenile Court Commission in its sphere, but not in conflict with the judge-made rules.

Sec. 10. Said Juvenile Court or judge presiding shall have the power to punish any one who knowingly refuses or fails to obey or disregard any judgment or order or rule of the court, as for a contempt; or punish anyone who knowingly opposes, interferes with or obstructs any officer of the court in the performance of duty under this Act; or anyone who by acts or commissions, conduct, speech, or otherwise disturbs the judge or court while in session or any officer of the court, so as to hinder the orderly conduct of this business, and said Juvenile Court shall have all the power of the recorder's court of the City of Mobile in contempt matters and the same penalties enforced for the recorder's court of the City of Mobile shall be enforced for the Juvenile Court for contempt.

Sec. 11. The policemen and firemen of the City of Mobile who may now or hereafter be on the pension roll of the city may serve as assistant probation officers. The humane officer or any probation officer of the Juvenile Court may execute and return writs or process issued out of said court, make arrests, serve notices, and perform the orders and directions of the Juvenile Court or its judge in the discharge of his powers or duties. The sheriff of the county shall not be required to execute process issuing from said Juvenile Court.

Sec. 12. When a child within the age specified in this Act for juveniles is arrested or brought before any magistrate, court

or officers, other than said Juvenile Court, such court, magistrate or officer shall promptly transfer the child and the case and all papers in that connection to said Juvenile Court, and all orders proper therefor shall be made and it shall be the duty of such other court, magistrate, or officer as the case may be, to effectuate such transfer. Whereupon the child and the case shall stand for examination or trial in said Juvenile Court, as in other cases therein and said child shall be dealt with as if the case had originated in said Juvenile Court.

Sec. 13. Whenever a child within said age is taken in custody under this Act, or arrested as for the violation of any law and it appears to the Juvenile Court or judge to be advisable or necessary in order to have the child in court, that the child be forcibly detained, the said court or judge may, in his discretion forcibly detain temporarily said child for safe keeping pending the hearing. But a sheriff, or jailer, police officer, marshal, or other deputies, shall not imprison the child in the same room with an adult prisoner, or other prisoners, but such child may, at any time, give bond or his or her appearance in court for trial, and upon making such bond, shall be released from custody.

Sec. 14. Whenever under the terms of this Act a juvenile or other person is committed to jail, it shall be either the county jail or the city jail, according to the circumstances, and the officers in charge shall receive such juvenile or other person and keep him safely until removed or discharged by law therefrom. Whenever any person is confined in the county jail, the sheriff shall be paid the same fees for keeping and feeding such person as he is paid for keeping and feeding prisoners committed to such jail by the Circuit Court.

Sec. 15. Any person 16 years of age or under is a juvenile delinquent under this Act: (A) Who has violated any ordinance of a town or city within said County of Mobile, or any law of the State of Alabama, or (B) who knowingly associates with thieves, or vicious, or immoral persons, or (C) who begs in the streets or highways, or thoroughfares or other public places, or (D) who knowingly enters a house of ill fame or (E) who knowingly visits or patronizes any policy shop or any place where gaming is operated or carried on or (F) who knowingly visits any place where intoxicating liquors are sold or given away, or unlawfully stored, or (H) who frequently visits a pool room or billiard saloon or public place where pool or billiards are played, or (I) who wanders in the night time about the streets, highways, thoroughfares, without being on any bona fide lawful business or occupation; or (J) who wanders or loafs about railroad yards or railroad tracks, or jumps or hooks onto any moving or standing street railroad car, or dummy line car, or any car or

vehicle drawn by motor power, whether the child be riding or afoot, when he so does not as a passenger paying fare and bona fide to ride as a passenger; or (K) who is truant from school or (L) who is guilty of immoral conduct or (M) who habitually uses vile, obscene, indecent, insulting or profane language, whether in the presence of females or others or (N) who is habitually in dishonorable surroundings.

Sec. 16. All proceedings against juveniles under this act shall be on the theory that the child is a ward of the State and not a criminal but rather as misdirected and in need of assistance, kindness, and firmness or control and direction of his ways, and it shall not be treated or deemed a criminal. The child shall not be denominated a criminal by virtue of any adjudication under this Act, nor shall any such adjudication ever be denominated a conviction of the child. The child shall not be a convict hereunder. Adjudication under this Act shall not operate to disqualify the juvenile, nor to disqualify after attaining majority, from holding any office, place or position, under any State or under any municipal or other civil service. Confessions or admissions of any kind, declarations of statements made by juvenile delinquent to said Juvenile Court or judge, or to any other officer, or to any person, or the child's manner, or demeanor, or silence, or answer, when accused or questioned, shall not be competent or admissible evidence against the child in any court or proceedings. The style of the proceeding on the docket of the Juvenile Court and Appellate Court shall be "In the matter of....., a juvenile." And all provisions of this Act shall be construed liberally for the effectuation of its beneficent purposes concerning the juvenile and the duty shall be constant upon the court to give each child subject to his jurisdiction such oversight and control as to advance the welfare of the child and the interests of the State. So far as practicable and best the court shall preferably exercise its supervisory care by retaining juveniles in their own homes, under the supervision of the probation officer, rather than elsewhere; and when the child is committed to a foster home, the family receiving the child must receive it and agree to rear and educate it as a member of the family.

Sec. 17. Any person knowing, or being informed and having reason to believe, that a juvenile is delinquent within the purview of this Act, may file in the court a verified petition setting forth the facts. Thereupon the court or judge may make or cause to be made by the probation officer of his selection, or some other person an investigation, and may require the child to appear or be brought before the court, at a time fixed in the process issued, either a notice to be served upon the parent or

parents, guardian, or other trustee of the child or any person obligated by law to its support, or anyone standing to it in loco parentis, or anyone or other having custody or control of the child, commanding the production of the child in court, or the appearance in court of such juvenile, or else a warrant of arrest. The court shall have power to punish as a contempt the failure or refusal of anyone directed to produce the child in court as required by notice accepted or served. Upon service accepted of notice, or upon arrest of the child, the judge shall have power to accept a bond with penalty fixed by him not exceeding \$500.00 signed by one or more reputable citizens, except in case of felonies, the judge shall fix whatever amount he may think proper with sufficient surety, not exceeding two bondsmen, and payable to said county, approved by him, and conditioned that the child shall appear in court at a time to be fixed by the court, and upon its acceptance the child shall be released. On the failure to make or take such bond, the child may be detained under the order of the court, at a detention home of the county or City of Mobile, or in some institution selected by the judge or in the custody of some officer or other person designated by the court, or also committed to jail as provided hereinafter pending the examination or hearing. Upon breach of the condition of the bond accepted the court may issue such other process or notice as may appear proper to bring the child in, which shall be executed forthwith, and the court shall have power to take forfeitures, as in other courts upon the bond, against the sureties only, and enforce its judgment in that regard as other courts might do.

Sec. 18. At the time fixed by continuance or otherwise, the court shall proceed to hear and investigate the facts, examining into the circumstances and conditions of the child's surroundings, and environments, sufficiently to enable the rendition of proper judgment so as to best subserve the child's welfare and carry out the purposes of this Act. The circuit solicitor or his assistant solicitor shall aid the court when called upon in any proceeding against juveniles and shall represent the county in all cases appealed from said Juvenile Court, in the Circuit Court or Appellate Courts, as the case may be, or both.

Sec. 19. The court shall have power to put the child on probation at its own residence, or in a suitable home or elsewhere, subject to the control of the court and visitation by its officers until discharged from the probation or require the child to report to the court, or detention home at regular intervals; or may commit the child to some institution within or without the county, if it be an institution maintained by the State, or by any subdivision thereof, or incorporated under the laws of the State.

which takes care of children or may commit it to the care of any person, family, corporation, society, or association or persons, that cares for children; and under such stipulations, restrictions or conditions, or agreements, as the court may prescribe or require or agree to, but shall not commit said child to an institution without Mobile County, unless it be a State institution wholly supported by the State.

Sec. 20. If the court commit a white boy to the Alabama Boys' Industrial School or similar institution, now or hereafter maintained by the State, or any of its subdivisions, or a white girl to the State Training School for Girls, the Alabama Home of Refuge, or the Mercy Home Industrial School, or a similar institution, now or hereafter maintained by the State, or any of its subdivisions; or a colored child to the Alabama Reform School for Juvenile Negro Lawbreakers or a similar institution maintained by the State, or any of its subdivisions, such commitment shall be until the child shall be discharged or released by order of said Juvenile Court, and in no event shall the period of detention be after the child has reached 21 years of age.

Sec. 21. For each and every conviction of a juvenile under this Act for a misdemeanor or offense other than a felony, the maximum amount of time which said juvenile can be committed to any local detention home or institution or any other institution shall not exceed the maximum amount of time he or she could have been sentenced to hard labor or to jail had he or she been tried and convicted in any of the city or county courts for the commission of said offense. For each and every conviction of a felony the maximum amount of time which said juvenile can be committed to any institution mentioned in this Act shall be discretionary with the judge so committing, not, however, beyond the time when such child reaches the age of 21 years.

Sec. 22. Any judgment or order of said Juvenile Court in any proceedings against a juvenile shall be subject to modification or revision from time to time as said court or the Appellate Court having jurisdiction shall determine to be the child's interest.

Sec. 23. The expense of transportation of juveniles committed to any home, society, person, family, corporation, institution or association, other than a member or members of its own family shall be paid by said county, unless otherwise provided. But no such expense shall be charged against or be payable by the county unless the judge of such court and the Board of Revenue and Road Commissioners of Mobile County shall have approved the same in advance of incurring such expenses.

Sec. 24. With fifteen days after day of rendition of a final judgment by said Juvenile Court against the child an appeal may

be taken by the child, or his next friend, parent, guardian, trustee or guardian ad litem named by said Juvenile Court to act for the child to the circuit in said county in their own name. In no event shall the taking of an appeal release the child from the court's custody and control so as to put it at large unless an appeal bond is executed by such appellant, payable to said county in the penalty fixed by the judge, with good and sufficient surety or sureties, approved by the judge, and conditioned that the child shall appear in said Circuit Court till discharged by due course of law, and the appeal without bond shall not suspend the judgment appealed from, nor discharge the child from custody of the Juvenile Court or its officers, or of the institution, person, or persons into whose care the child may have been committed, if the Juvenile Court shall enter an order ascertaining that to suspend the judgment or release the child would endanger the child's welfare and ordering it not suspended or released, except that no child shall be sent or taken out of Mobile County, or be detained in an institution without Mobile County while such appeal is pending. Such order may be subject to review by the circuit judges or judge by habeas corpus proceedings as other cases are reviewed. Appeals under this section shall take precedence over all other business of the court to which an appeal is taken. The Circuit Court shall try such appeal de novo and defendant shall have the right to trial by jury if demanded in writing by him as required in order misdemeanor cases in Circuit Court shall have the power to render such judgment as such Juvenile Court should have rendered under this Act, or remand the case with instructions. It shall cause its judgment to be certified down to said Juvenile Court, which shall make such judgment its own, and enter such further orders from time to time as are proper to carry it out. If the Circuit Court does not dismiss the case or does not discharge the child from custody it shall remand the child to the jurisdiction of the Juvenile Court for its supervisions and care, but if it dismissed the appeal, the Juvenile Court shall continue its jurisdiction; and when retained, or upon such remandment the juvenile shall remain under the jurisdiction of said Juvenile Court as if it had rendered such certified judgment in the first instance or as if an appeal had not been taken.

Section 24-A. It shall be a misdemeanor for any person in said County of Mobile, wilfully or knowingly, to encourage, aid, abet, contribute to, promote or cause the delinquency of any person 16 years of age or under as herein defined. Said Juvenile Court shall have jurisdiction of all such misdemeanors and shall cause any person guilty thereof to appear and be brought before the court, either upon summons or upon other notice, or upon

warrant of arrest, after affidavit showing probable cause for such orders and judgments, as the court may see proper to make in accordance with this section. The accused shall have the right to bail in a sum fixed by the court or judge, payable to the county with surety to be determined by the court or judge, and conditioned to appear in said Juvenile Court from time to time to be fixed by the court or judge until discharged in due course and to be approved by the judge. In default of bond the accused may be committed to jail pending disposition of his case by the Juvenile Court. The cause shall be styled the State of Ala-

~~bama against the accused, by whatever name known or called.~~
At the time fixed by continuance or otherwise the court shall hear the cause and upon finding the defendant guilty of an offense under this section shall have power to enter and enforce such orders or judgments as to the court shall seem best fitted to ameliorate the evils resulting from the acts or commissions of the accused effecting such delinquency. By way of punishment of the guilt ascertained the court may impose upon the defendant a fine not exceeding three hundred dollars and hard labor for the county for not over six months, or imprisonment in the county jail for not over six months, or any one of such penalties last prescribed. The court shall have power to at any time suspend the operation of judgment rendered for such a period not exceeding six months as it may determine, and may put the convicted defendant upon probation during the whole part of time or period of such suspension, all upon conditions and terms as the court may determine, as expressed in its order of suspension in any undertaking or obligation below provided for; and it shall have the power to require or the judge to agree that the defendant execute a bond or covenant payable to the county with or without surety as the judge or court may determine, in such penalty or terms as the court may prescribe, conditioned that the defendant will comply with orders of the court as the case may be recited by such covenant or bond and the court in its discretion shall have the power to release the defendant temporarily or on parole during the whole or part of such suspension. The judge shall approve such bond or covenant, have it entered in the records of the court, retain the name and whenever the defendant shall fail to comply or break its conditions or the agreement the judge may deliver the same over to the Court of County Commissioners for such action as it may take concerning the same. In event a parole is revoked, the defendant shall be credited on the judgment with the time he was on parole or suspension. The court may avail itself of the services of a treasurer of said Juvenile Commission and thereupon the treasurer shall obey its orders, or the judge or clerk may be depository

and disbursing officer on defendant's compliance. The Juvenile Court shall have power to revoke such suspension whenever the defendant's conduct makes it proper so to do either by failure to comply or upon violation of terms, and conditions or otherwise. Revocation shall revive the judgment suspended or as much thereof as remains unfulfilled. Defendant shall have the right to appeal from said order of revocation or judgment within thirty days after revocation, and upon appeal the case shall be tried de novo and a jury trial may be demanded in the same manner as now or hereafter may be provided by law for appeal in trials of misdemeanor and in the manner now provided by law. The court may always issue process to take or retake a defendant into custody and for the exercise of jurisdiction. If defendant's guilt is not confessed or his bond or covenant to perform accepted by the court or judge, he shall have right of appeal to the circuit court aforesaid, he shall take appeal by giving notice of appeal in open court, or else by written court of appeal filed in the Juvenile Court all within thirty days after the day of rendition of the final judgment against him, except as herein otherwise provided. If having appealed he make bond in penalty fixed by the court or judge payable to the county, with sufficient surety or sureties, conditioned to appear in the Circuit Court trial at the time set and until discharged in due course of law, approved by the judge of the Juvenile Court, then the defendant shall be released from custody by order of the Juvenile Court, and in the absence of such bond, so approved, he shall be confined in jail until he make such bond, and thereupon he shall be released by order of the Juvenile Court, for the time being. At any time after his release he may be required by the Juvenile Court, for good cause to make new or additional bond, or be recommitted to jail until he shall make such bond, or be discharged in due course of law. Notice of appeal may be withdrawn at any time before such bond is made. The clerk shall certify the appeal to the Circuit Court together with a transcript of the record and with all such papers in the cause as are necessary or proper to show the proceedings below, or pertinent to a hearing of appeal. On the appeal trial the defendant shall have a jury trial by demanding it in the same way and time as on other appeals to the Circuit Court, for the trial of misdemeanors. The appeal case shall be tried in the Circuit Court de novo and the court if without a jury shall render such judgment as the Juvenile Court should have rendered under this Act. The Circuit Court shall have like discretion as the Juvenile Court. The jury question shall be whether or not the defendant is guilty, and the jury shall not impose the punishment, but the jury may make recommendations to the court as to the extent of punishment, or whether the defendant shall be

paroled or judgment suspended, but the judge trying the case shall not be bound by the recommendations of the jury. The court shall render judgment according to verdict, unless it sets the verdict aside, and according to the provisions of this Act, as well as according to its own practice. The defendant may appeal to the Court of Appeals or the Supreme Court, according to the jurisdiction of the appellate court, upon the same conditions and in the same way and in the same time as provided for appeals from the Circuit Court. Whenever the appeal is not taken or judgment rendered in the highest court acquiring jurisdiction as certified down the judgment shall be certified by the circuit clerk to said Juvenile Court and be made the judgment of the latter court. If the defendant be thereby required to perform or pay anything he shall be remanded to the custody and powers of the Juvenile Court, and like proceedings shall go forward as if the judgment had been rendered by the Juvenile Court in first instance, or as if no appeal had been taken. If either of the appellate courts shall suspend the sentence or judgment rendered and put the defendant on probation, as it shall have the power to do, it shall fix the conditions and terms thereof in its judgment of suspension, and the defendant shall be likewise remanded to said Juvenile Court for its supervision and control, and same as if the Juvenile Court had itself put him on probation.

Sec. 25. Costs or fees shall not be charged against any juvenile delinquent.

Sec. 26. The judge of said court shall have the power to appoint temporarily when necessary some one to act as judge pro tem. and who shall have like qualifications as the judge and who shall perform his duties in his absence, or disability, and while acting said judge pro tem shall receive the same salary that the judge received provided that one salary between them be paid. If said judge should fail or be unable to appoint a judge pro tem, and the necessity of such an appointment should arise, then the Juvenile Court Commission shall have the power to appoint said judge pro tem. While acting as said judge of said court the judge pro tem shall have all powers of the judge of said court.

Sec. 27. The Juvenile Court shall have authority at any time to reopen any case on its dockets for the purpose of discharging any person on its dockets, or to change the punishment to a lesser punishment than the one inflicted in the original subsequent decree or judgment, and from said order the defendant or juvenile delinquent may appeal as in other cases herein provided.

Sec. 28. The clerk of the Board of Revenue and Road Commissioners of Mobile County, Alabama, shall present to the Board of Revenue and Road Commissioners of Mobile County,

monthly statements showing true and correctly all the items of expense including all costs of transportation of juveniles and officers to and from institutions arising out of the operation and in connection with the Juvenile Court and costs of maintaining of said court, not including the costs of furnishing quarters and the equipment thereof in the way of furniture, such as tables, desks, chairs and benches or other things that become a part of the realty, but including all other matters of expenses or costs. Such statements shall be recorded in the records of the Juvenile Court and in the minutes of said Board of Revenue and Road Commissioners. Said Board of Revenue and Road Commissioners shall cause a statement of such monthly expenses so presented to it to be filed with the Board of City Commissioners or other governing authorities of the City of Mobile, and it shall be the duty of said City of Mobile to pay the County of Mobile one-half of the amount incurred for such expense.

Sec. 29. This act shall go into operation and effect in all its penal and other provisions thirty days after its being approved by the Governor or becoming a law under the Constitution, and without such approval, the officers including the Juvenile Court Commission of the former Juvenile Court of Mobile County, shall be the corresponding officers of the court hereby created and serve until their successors shall be duly appointed.

Sec. 30. Upon this Act going into operation and effect all matters and cases pending in any other or former Juvenile Court at the time created by the Legislature, for said County of Mobile and all the books, papers, records, paraphernalia and property of every kind pertaining to such former Juvenile Court shall be transferred forthwith to the Juvenile Court hereby created, to be heard or treated in accordance with this Act. The duty of effectuating such transfers shall devolve upon the persons who were the judge and the clerk or either of said former juvenile court at the time this Act goes into operation, and the transfer shall be made at once.

Sec. 31. All the laws and parts of any law in conflict with any of the provisions of this Act, including all former local laws, creating any Juvenile Court in and for said County of Mobile, are hereby repealed. But nothing herein contained shall be construed as to repeal any portion of that certain local Act providing for the detention for juvenile delinquents in Mobile County, and approved March 8th, 1915.

Sec. 32. If any provision or section of this Act shall be declared unconstitutional, the remaining sections or provisions thereof shall not be affected. But the same shall remain in full force and effect.

On motion of Mr. Holcombe the House concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill H. 832.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adcock

Allen

Bealle

~~Boyd~~

Burns

Byars

Cato

Cook

Culver

Elliott

Embry

Fanning

Ferrell

Fite

Gaines

Glenn

Glover

Goode

~~Goodwyn~~

Graves

Grove

Guy

Hall

Hatter

Henley

Henson

Holcombe

Howard

Howze

Jeter

Jones

Kilborn

Lee

~~Love~~

Luck

Moorer

Moxley

Norman

Odum

Parker

Poole

Posey

Powell

Ringer

Rountree

St. John

Snodgrass

Sollie

~~Tanner~~

Tunstall

Tyson

Varnier

Verner

Walker

Wall

Walton

Ware

Young

—60

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 805. To submit to the qualified electors of the State at the general election to be held in November, 1924, an amendment to the Constitution for the purpose of authorizing Walker County, Alabama, to levy and collect a special road tax not exceeding fifty cents on each one hundred dollars worth of taxable property in said county, under such regulations as the Legislature may have prescribed or may hereafter prescribe.

Also:

H. 1058. To provide that no apprentice who has successfully passed an examination for a Mobile Bay and Bar Pilot, shall be required to undergo or pass another examination before being entitled to his license or status as a Mobile Bay and Bar Pilot, notwithstanding the board or commission under which said person was examined has been abolished.

Also:

H. 762. To amend sections one, two and three of an Act: "To divide Montgomery County into three revenue districts; make the members of the Board of Revenue elective by districts,

fix their term of office; prescribe their qualifications; to provide for the appointment of members of said board until the next general election; to prescribe the method of filling vacancies; provide a clerk for said board, fix his salary and prescribe his duties." Approved February 28th, 1907.

Also:

H. 901. To create the office of an additional udge of the Circuit Court in all circuits now or hereafter having a city with a population of more than one hundred thousand, according to the last or any subsequent Federal census; to provide for the powers, jurisdiction, authority and duties, salary and manner of payment of salary of such additional judge and to provide that the largest city in such circuit shall pay into the state and county treasury an amount equal to the salary of such judge.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 368. To revise and amend Chapter 224 of the Code of 1907.

S. 417. To authorize and provide a fund to be known as the State Insurance Fund which is to be carried by the State Treasurer for the purpose of insuring against loss by fire or tornado all state owned buildings or buildings in which the state has appropriated monies for the erection or equipment thereof, or which may have been deeded to the State, and all property equipment, furniture and fixtures or supplies belonging to or stored in such buildings and any and all properties of such nature as may be acquired by the State, and to this end to establish a basis for assessment and collection of premiums, to provide for a sinking fund with which to pay losses, to provide an emergency appropriation to be used only in case of loss by fire or tornado in excess of collection of premiums, to provide for a division of the state's property into groups, to provide for return of surplus for

maintenance purposes, to provide for inspection and valuation of state property and promulgate rules and regulations necessary for the operation of the Act.

S. 237. To authorize Courts of County Commissioners, Boards of Revenue or other courts of like jurisdiction of all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken, to work county convicts anywhere in this State; to authorize the governing bodies of said counties to employ the necessary guards to prevent the escape of convicts, and to procure medical treatment for convicts so employed, and to purchase the necessary cells equipment, and to acquire by lease or purchase lands or other property, real or personal, necessary to carry out the provisions of this Act; and to provide that the net proceeds derived from the working of said convicts shall be used for working, grading, building, and maintaining the public roads and bridges of said counties.

S. 55. To amend Section 3052 of the Code of Alabama of 1907.

S. 266. To prohibit derogatory statements affecting any bank doing business in this State and to prevent the libel or slander of any such bank, and to provide for the punishment for the violation of this Act.

S. 367. To revise and amend Chapter 20 of the Code of 1907.

S. 130. To repeal an act entitled "an Act to amend the title and sections one (1), three (3), four (4), fifteen (15), and 29, and paragraphs B and D of Section eight (8) of an act 'To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees the trustee of such fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and

the sources thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty, to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with the said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act' approved September 28, 1915." Approved Feb. 17, 1919, insofar as the same applies to cities and towns having a population of less than 40,000 according to the last or any succeeding Federal census.

S. 191. Providing for the execution of convicts, condemned to death, by electrocution; prescribing the procedure in such cases; providing the means for accomplishing the purposes of this Act; and repealing all laws or parts of law in conflict herewith.

S. 400. To fix the compensation or salaries to be paid the judges of probate, sheriffs, tax collectors, tax assessors, and members of courts of county commissioners or boards of revenue and other courts of like jurisdiction in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same; to provide for the selection of clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such offices; and to require

all of said officers to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said officers, as other moneys belonging to said counties are paid.

S. 326. To provide for the construction and operation of fish cultural stations in the State of Alabama; to provide for the acquisition of suitable areas in the name of the State; to provide for the administration and management of fish cultural stations; to provide for payment of employees; to provide for a fishing license, and for other purposes.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bill with the engrossed and original bill, respectively, and find same correctly enrolled, to-wit:

H. 1005. To make appropriation for the ordinary expenses of the offices of the Governor, the Attorney General, the Judiciary Department, and the interest on the public debt, the State Security Commission, the Public Service Commission and the Department of Archives and History.

Jas. A. Smith,
Chairman.

SIGNING OF BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 832. Creating and establishing the Juvenile Court of Mobile County, defining its powers and jurisdiction and providing for the process and procedure of said court; for the equipment of said court, for the judge and officers of said court, their terms of office and their salaries, and defining their duties, and the payment by the Board of Revenue and Road Commissioners of Mobile County of all premiums that may accrue on account of the bond of the clerk thereof; for the transportation of the probation officers; for the service of process, including warrants, and the fees thereof and the payment of said fees; for the detention of juvenile delinquents; providing for a commission to aid in carrying out the work of the court and prescribing its duties; and providing for appeals from any final order or judgment of said court; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency of any child sixteen years of age, or under, or produce, promote, or contribute to the conditions which may render any child delinquent, and providing the punishment therefor; providing for the transfer of certain cases to said Juvenile Court, providing for the support and maintenance in certain cases of delinquent children by the Board of Revenue and Road Commissioners of Mobile County; providing for the apprehension of such children and the commitment of them to any family, association, or institution; for the transportation of such children and the payment of the costs by Mobile County; providing for the commitment of juvenile delinquents to any family, association or institution within the State to which they may be, respectively committed, and providing for the payment of the costs thereof by the Board of Revenue and Road Commissioners of Mobile County; providing for payment by the city of Mobile, of one-half of the expenses arising out of the operation of said court; and for the protection of said children against any disqualification or prejudice in any other court, or in the civil service of the state or municipality on account of any judgment or order of said court, or any confession, statement, declaration or admission or silence or demeanor of said juvenile delinquents, or any statement made to any person or officer of the court, and providing for the repeals of certain laws.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE GOVERNOR.

Message to the House:

Gentlemen: I herewith return to you House Bill No. 999, without my approval. This bill seeks to provide for the retirement of teachers on pay.

I am in entire sympathy with the object and purpose of the bill but Sections 68 and 98 of the Constitution of this State expressly prohibit the Legislature from passing such laws.

Respectfully submitted,
Wm. W. Brandon,
Governor.

September 28, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Fite the House by a vote of 0 yeas and 59 nays sustained the veto by the Governor of the bill H. 999.

Yeas, 0; nays, 59.

Nays:

Messrs:

Mr. Speaker	Ferrell	Holcombe	Powell
Adcock	Fite	Hornsby	Ringer
Allen	Gaines	Howard	Rountree
Bowen, Lewis	Glenn	Howze	Snodgrass
Bowen, L. K.	Glover	Jones	Stewart (Calhoun)
Boykin	Goode	Lee	Tiller
Burns	Goodwyn	Letson	Tunstall
Burton	Graves	Long	Tyson
Byars	Grove	Love	Varner
Cato	Guy	Luck	Wall
Cook	Hall	Odom	Ware
Culver	Hatter	Parker	Mrs. Wilkins
Dunwoody	Henley	Patterson	Williams
Elliott	Henson	Pickens	Young
Embry	Hodgson	Poole	

—59

Which was a majority of the whole number elected to the House.

MESSAGE TO THE HOUSE.

Message to the House:

Gentlemen: I return to you herewith House Bill No. 911 without my approval.

The bill seeks to provide a pension for Levi F. Clayton of Birmingham, during his natural life, to be paid out of the County Treasury of Jefferson County. The bill is, therefore, clearly in violation of Sections 68 and 98 of the Constitution.

Respectfully submitted,
Wm. W. Brandon,
Governor.

September 28, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Fite the House by a vote of 0 yeas and 60 nays sustained the veto by the Governor of the bill, H. 911.

0 yeas, 60 nays.

Nays:

Messrs:

Mr. Speaker	Elliott	Howze	St. John
Adams	Embry	Jeter	Sessions
Adcock	Ferrell	Jones	Snodgrass
Bealle	Fite	Kilborn	Stewart (Calhoun)
Blackwell	Gaines	Lee	Tiller
Boykin	Glenn	Letson	Tyson
Burns	Glover	Long	Varner
Burton	Goode	Love	Verner
Byars	Goodwyn	Luck	Walker
Calloway	Graves	Odom	Wall
Cato	Grove	Pickens	Walton
Christian	Guy	Poole	Ware
Cook	Hall	Posey	Mrs. Wilkins
Culver	Hatter	Powell	Williams
Dowdle	Henley	Ringer	Young

—60

Which was a majority of the whole number elected to the House.

REPORT OF CONFERENCE COMMITTEE.

To the Presiding Officer of the Senate:

To the Speaker of the House:

Your Committee of Conference having under consideration Senate bill 283, beg leave to report as follows:

We recommend that the Senate concur in all of the House amendments except as follows:

6, 7, 8, and 5 and that the House recede from said amendments 6, 7, 8, and 5. We recommend that the House adopt the following amendment:

Amend Section 4, lines 7 and 8 by striking out the words and figures Twenty-one Hundred Dollars (\$2100.00) and inserting in lieu thereof Twenty-four Hundred Dollars (\$2400.00) and that the House pass said bill as amended.

And that the Senate concur in each and every one of the House amendments and not recede from and pass said bill as amended. All of which is respectfully submitted.

James B. Ellis,

J. C. Inzer,

S. C. Oliver,

Committee on part of the Senate.

A. M. Tunstall,

R. T. Goodwyn,

C. W. Ashcraft,

Committee on part of the House.

On motion of Mr. Tunstall the House concurred in and adopted the report of the Committee on Conference on the disagree-

ment of the two Houses on the House amendment to the bill, S. 283. Said report of said Committee of Conference being set out in the above and foregoing report of the Committee of Conference.

Yeas, 48; nays, 13.

Yeas:

Messrs:

Mr. Speaker	Fite	Kilborn	Powell
Arrington	Forman	Kilpatrick	Ringer
Ashcraft (Fayette)	Goode	Letson	St. John
Ashcraft (Lauderdl.)	Goodwyn	Luck	Smith (Jefferson)
Bealle	Graves	McDaniel	Smith (Lee)
Bowen, Lewis	Grove	McGowen	Stewart (Calhoun)
Bowen, L. K.	Guy	Melton	Tunstall
Burns	Henley	Mooneyham	Verner
Calloway	Hodgson	Moorer	Walker
Cato	Howze	Norman	Wall
Embry	Jeter	Patterson	Mrs. Wilkins
Ferrell	Jones	Pickens	Williams

—48

Nays:

Messrs:

Adcock	Gaines	Long	Sollie
Burton	Glenn	Moxley	Tyson
Culver	Glover	Sanders (Pike)	Ware
Dunwoody			

—13

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 283. To fix the salaries and compensation of certain State officials, appointees, employees, capitol watchmen and servants and to make it unlawful for any parties whose salaries or compensation is fixed hereby to accept any increase in such salary or compensation for any additional duties placed upon such person.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

S. 149. To amend an Act entitled an Act to promote the sale of farm loan bonds issued by the Federal Land Banks organized

under the provisions of the Farm Loan Act approved September 17, 1919.

Said Governor's message being in the following words and figures:

Gentlemen:—

I return to you herewith Senate Bill No. 149, entitled an Act to promote the sale of farm loan bonds, etc., without my approval.

Section 2 of the bill is a palpable violation of Section 74 of the Constitution, which provides that the Legislature shall not authorize the investment of any trust fund by executors, administrators, guardians or other trustees in the bonds or stocks of any private corporation.

I suggest that the bill be amended by striking therefrom Section 2. If the bill be so amended it will meet my approval.

Respectfully submitted,

Wm. W. Brandon,
Governor.

Sept. 28, 1923.

And the Senate has concurred in and adopted the amendment proposed by the Governor to said bill by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas 21, nays 0.

And said bill as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas 22, nays 0.

And said bill with the Governor's message containing the proposed amendment is herewith sent to the House for its consideration.

J. E. Speight,
Secretary.

On motion of Mr. Goodwyn the House concurred in and adopted the amendment proposed by the Governor to the bill, S. 149. Said amendment as proposed by the Governor being set out in the above and foregoing message from the Senate.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Gaines	Holcombe	Melton
Adcock	Glenn	Hornsby	Moorer
Ashcraft (Fayette)	Glover	Howard	Norman
Ashcraft (Lauderd ¹)	Goode	Howze	Odom
Bealle	Goodwyn	Jeter	Parker
Cato	Graves	Jones	Ringer
Christian	Grove	Kilborn	Rountree
Cook	Guy	Kilpatrick	St. John
Culver	Hall	Lee	Sanders (Pike)
Elliott	Hatter	Letson	Sessions
Embry	Henley	Long	Smith (Clay)
Fite	Henson	Love	Smith (Lee)
Forman	Hodgson	McGowen	Snodgrass

Stewart (Calhoun)	Varner	Wall	Mrs. Wilkins
Tiller	Verner	Walton	Williams
Tunstall	Walker	Ware	Young
Tyson			

—65

Which was a majority of the whole number elected to the House.

And said bill,

S. 149. To amend an Act entitled an Act to promote the sale of farm loan bonds issued by the Federal Land Banks organized under the provisions of the Farm Loan Act approved September 17, 1919.

As amended by the amendment proposed by the Governor, was again read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Goode	Kilpatrick	Sessions
Adcock	Goodwyn	Lee	Snodgrass
Bealle	Graves	Letson	Sollie
Blackwell	Guy	Long	Stewart (Bibb)
Boykin	Hall	Love	Stewart (Calhoun)
Burns	Hatter	Luck	Tiller
Byars	Henley	McDaniel	Tyson
Calloway	Henson	Moorer	Varner
Cato	Hodgson	Moxley	Verner
Cook	Holcombe	Norman	Walker
Elliott	Hornsby	Odom	Wall
Embry	Howard	Parker	Walton
Ferrell	Howze	Patterson	Ware
Fite	Jeter	Rountree	Mrs. Wilkins
Gaines	Jones	St. John	Williams
Glenn	Kilborn	Sanders (Pike)	Young
Glover			

—65

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 302. To provide how fraternal societies organized under the laws of this State may consolidate, merge or reinsure its insurance risks, with any other fraternal benefit society, or assume or reinsure the risks of any other fraternal benefit society, and to provide penalties for the violation of the provisions hereof.

Also:

S. 283. To fix the salaries and compensation of certain State officials, appointees, employees, capitol watchmen and servants

and to make it unlawful for any parties whose salaries or compensation is fixed hereby to accept any increase in such salary or compensation is fixed hereby to accept any increase in such salary or compensation for any additional duties placed upon such person.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following bill, your signature thereto is requested:

S. 149. To amend an Act entitled "An Act to promote the sale of farm loan bonds issued by the Federal Land Banks organized under the provisions of the Farm Loan Act" approved September 17, 1919.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

S. 367. To revise and amend Chapter 20 of the Code of 1907.

Said Governor's message containing the proposed amendment being in the following words and figures, to-wit:

MESSAGE TO THE SENATE.

Gentlemen:

Herewith is returned Senate Bill 367, with proposed amendment. This bill provides for employments which may not become necessary, and if

necessary which may probably be employed at a less sum than provided in the Act. It also provides for the payment of certain expenses and per diems which are usually permitted to be incurred only on the approval of the Governor, a principle which should be also adhered to in this Act. To meet these objections I propose the following amendments:

Amend the Act by adding thereto the following provisions and section:
Section 689. That the bookkeeper and secretary provided in Section 659 of this Act shall be employed only in the event in the opinion of the Governor such employment is necessary, and their salary shall be fixed by the Governor at not exceeding the amount heretofore provided. That no expense allowed to be incurred by this Act shall be paid without the approval of the Governor.

With the adoption of this amendment the Act will meet with my approval.

Respectfully submitted,

Wm. W. Brandon,
Governor.

September 28, 1923.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas 20, nays 0.

And said bill, S. 367, as thus amended, by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; the vote on said bill as amended, being: Yeas 18, nays 4.

And said bill, with the Governor's message, containing the proposed amendment, is herewith sent to the House for its consideration.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Long the House concurred in and adopted the amendment proposed by the Governor to the bill, S. 367. Said amendment as proposed by the Governor being set out in the above and foregoing message from the Senate.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Graves	Jeter
Adcock	Dunwoody	Guy	Jones
Allen	Elliott	Hall	Kilpatrick
Ashcraft (Lauder's)	Embry	Hatter	Lee
Bealle	Ferrell	Henley	Letson
Burns	Fite	Henson	Long
Burton	Gaines	Hodgson	Love
Byars	Glenn	Hornsby	Luck
Cato	Glover	Howard	McGowen
Cook	Goodwyn	Howze	Mooneyham

Moorer	Patterson	Ringer	Tunstall
Moxley	Pickens	St. John	Tyson
Norman	Poole	Snodgrass	Walton
Odom	Posey	Stewart (Calhoun)	Ware
Parker	Powell	Tiller	Young

—60

Which was a majority of the whole number elected to the House:

And the bill,

S. 367. To revise and amend Chapter 20 of the Code of 1907.

As amended by the amendment proposed by the Governor, was again read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:			
Mr. Speaker	Fite	Jones	Patterson
Adcock	Gaines	Kilborn	Poole
Allen	Goode	Lee	Posey
Ashcraft (Lauderd'e)	Goodwyn	Letson	Powell
Bealle	Graves	Long	Ringer
Burns	Grove	Love	Rountree
Byars	Hall	Luck	Sollie
Cato	Hatter	McGowen	Tiller
Christian	Henley	Melton	Tyson
Cook	Henson	Mooneyham	Varnier
Culver	Hodgson	Moorer	Verner
Dowdle	Holcombe	Moxley	Wall
Dunwoody	Hornsby	Norman	Walton
Fanning	Howard	Odom	Ware
Ferrell	Howze	Parker	Young

—60

Which was a majority of the whole number elected to the House:

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

S. 283. To fix the salaries and compensation of certain State officials, appointees, employees, capitol watchmen and servants and to make it unlawful for any parties whose salaries or compensation is fixed hereby to accept any increase in such salary or compensation for any additional duties placed upon such person.

Said Governor's message containing the proposed amendment being in words and figures as follows, to-wit:

MESSAGE TO THE SENATE.

Gentlemen:

I return herewith Senate Bill 283 with an amendment.

The bill is susceptible of the construction that the salaries and compensation of certain officers, assistants and employees of the department is in excess of the appropriation made to such department. In order to prevent such construction I suggest the following amendment:

Add at the end of the bill Section 30 to read as follows:

"Section 30. When the salary or compensation of any officer, or employee, as fixed in this Act has heretofore been paid out of the appropriation made to such particular department for its maintenance or expenses, the salaries or compensations so fixed by this Act shall continue to be paid out of such appropriation for such particular department and the fixing of such salaries or compensations specified in this Act shall not be construed as an additional appropriation in such instances to the appropriation for the maintenance or expenses of the department."

With this amendment, the bill will meet my approval.

Respectfully submitted,

Wm. W. Brandon,
Governor.

Sept. 28, 1923.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill, by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas 22, nays 0.

And said bill, S. 283, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote on the passage of said bill, as amended, being: Yeas 19, nays 3.

And said bill, together with the Governor's message, containing the proposed amendment, is herewith sent to the House for its consideration.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Tunstall the House concurred in and adopted the amendment proposed by the Governor to the bill, S. 283. Said amendment as proposed by the Governor being set out in the above and foregoing message from the Senate.

Yeas, 67; nays, 0.

Yeas:

Messrs:

Mr. Speaker Boykin
Adcock Burns
Arrington Burton
Ashcraft (Fayette) Byars
Ashcraft (Lauderdl.) Calloway

Cato
Cook
Dickinson
Elliott
Embry

Fanning
Fite
Forman
Gaines
Goode

Goodwyn	Lee	Powell	Thompson (Jackson)
Grove	Letson	Ringer	Tunstall
Hall	Love	Rountree	Tyson
Hatter	Luck	St. John	Varner
Henley	McDaniel	Sanders (Conecuh)	Verner
Hodgson	McGowen	Sanders (Pike)	Walker
Holcombe	Melton	Sessions	Wall
Hornsby	Norman	Smith (Clay)	Walton
Howard	Odom	Smith (Jefferson)	Ware
Howze	Parker	Smith (Lee)	Williams
Jones	Patterson	Snodgrass	Young
Kilborn	Pickens	Stewart (Calhoun)	

—67

Which was a majority of the whole number selected to the House.

And said bill,

S. 283. To fix the salaries and compensation of certain State officials, appointees, employees, capitol watchmen and servants and to make it unlawful for any parties whose salaries or compensation is fixed hereby to accept any increase in such salary or compensation for any additional duties placed upon such person.

As amended by the amendment proposed by the Governor, was again read a third time at length and passed.

Yeas, 67; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Forman	Long	Smith (Clay)
Adcock	Gaines	Love	Smith (Jefferson)
Allen	Goode	Luck	Smith (Lee)
Blackwell	Goodwyn	Melton	Snodgrass
Bowen, L. K.	Graves	Norman	Stewart (Calhoun)
Boykin	Hall	Odom	Thompson (Etowah)
Burns	Hatter	Patterson	Tiller
Burton	Henley	Pickens	Tunstall
Byars	Hodgson	Poole	Tyson
Calloway	Holcombe	Posey	Verner
Cato	Hornsby	Powell	Walker
Cook	Howard	Ringer	Wall
Dickinson	Howze	Rountree	Ware
Dunwoody	Jones	St. John	Mrs. Wilkins
Embry	Kilborn	Sanders (Conecuh)	Williams
Ferrell	Lee	Sanders (Pike)	Young
Fite	Letson	Sessions	

—67

Which was a majority of the whole number elected to the House.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the follow-

ing enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 832. Creating and establishing the juvenile court of Mobile county, defining its powers and jurisdiction and providing for the process and procedure of said court; for the equipment of said court, for the judge and officers of said court, their terms of office and their salaries, and defining their duties, and the payment by the board of revenue and road commissioners of Mobile county of all premiums that may accrue on account of the bond of the clerk thereof; for the transportation of the probation officers; for the service of process, including warrants, and the fees thereof and the payment of said fees; for the detention of juvenile delinquents; providing for a commission to aid in carrying out the work of the court and prescribing its duties; and providing for appeals from any final order or judgment of said court; making it an offense for any person knowingly and willfully to encourage, aid, abet, cause a state of delinquency of any child sixteen years of age, or under, or produce, promote, or contribute to the conditions which may render any child delinquent, and providing the punishment therefor; providing for the transfer of certain cases to said juvenile court; providing for the support and maintenance in certain cases of delinquent children by the board of revenue and road commissioners of Mobile county; providing for the apprehension of such children and the commitment of them to any family, association or institution; for the transportation of such children and the payment of the costs by Mobile county; providing for the commitment of juvenile delinquents to any family, association or institution within the State to which they may be, respectively committed, and providing for the payment of the costs thereof by the board of revenue and road commissioners of Mobile county; providing for payment by the city of Mobile, of one-half of the expenses arising out of the operation of said court; and for the protection of said children against any disqualification of prejudice in any other court, or in the civil service of the State or municipality on account of any judgment or order of said court, or any confession, statement, declaration or admission or silence or demeanor of said juvenile delinquents, or any statement made to any person or officer of the court, and providing for the repeals of certain laws.

Also:

H. 589. To make appropriations to the Alabama Boys' Industrial School.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipt of the executive department for same:

Delivered to the Governor Sept. 28, 1923, at 5:20 P. M.

H. 679.

Also:

H. 700.

Also:

H. 110.

Also:

H. 958.

Also:

H. 510.

Also:

H. 860.

Also:

H. 552.

Also:

H. 527.

J. H. Stewart,
Clerk.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipt of the executive department for same:

Delivered to the Governor Sept. 28, 1923, 8:30 P. M.

H. 805.

Also:

H. 1058.

Also:

H. 762.

Also:
H. 901.

J. H. Stewart,
Clerk.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bill hereinafter mentioned was delivered the executive department on the date and hour named, and that I hold the receipt of the executive department for same:

Delivered to Governor Sept. 28, 1923, 8:30 P. M.

H. 1005.

J. H. Stewart,
Clerk.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 367. An Act to revise and amend Chapter 20 of the Code of 1907.

S. 283. To fix the salaries and compensation of certain State officials, appointees, employees, capitol watchmen and servants and to make it unlawful for any parties whose salaries or compensation is fixed hereby to accept any increase in such salary or compensation for any additional duties placed upon such person.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Joint Resolution:

S. J. R. 196. Be it resolved by the Senate, the House concurring, that a committee of two from the Senate to be appointed by the President of the Senate, and three from the House,

to be appointed by the Speaker, to await upon the Governor and ascertain if he has any further communications for the Legislature.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the S. J. R. 196 set out in the above and foregoing message from the Senate.

And the Speaker named as the committee on part of the House: Messrs. Tunstall, Long and Ashcraft of Lauderdale.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipt of the executive department for same:

Delivered to the Governor Sept. 28, 1923, at 11 P. M.

H. 832.

Also:

H. 589.

J. H. Stewart,
Clerk.

REPORT OF JOINT COMMITTEE.

The Joint Committee heretofore appointed under S. J. R. 196 reported that they had called upon the Governor and the Governor advised he had no further communications for the Legislature.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Fiftieth Legislative Day, and finds same correct.

Oakley W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the 50th Legislative Day was approved.

ADJOURNMENT SINE DIE.

On motion of Mr. Long the House adjourned *sine die* at 11:55 P. M.

HUGH D. MERRILL,
Speaker of the House of Represen-
tatives of the Legislature of the
State of Alabama, Session of 1923.

Attest:

J. H. STEWART,

Clerk of the House of Representatives of the Legislature
of the State of Alabama, Session of 1923.

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